



ASIAN AMERICAN ACCESS TO DEMOCRACY IN THE 2012 ELECTIONS

**Local compliance with the Voting Rights Act
and Help America Vote Act (HAVA) in
CA, FL, GA, IL, LA, MA, MD, MI, NJ, NV, NY, PA, TX, VA and DC**

A REPORT OF THE ASIAN AMERICAN LEGAL DEFENSE AND EDUCATION FUND

Founded in 1974, the Asian American Legal Defense and Education Fund (AALDEF) is a national organization that protects and promotes the civil rights of Asian Americans. By combining litigation, advocacy, education, and organizing, AALDEF works with Asian American communities across the country to secure human rights for all.

AALDEF focuses on critical issues affecting Asian Americans, including immigrant rights, civic participation and voting rights, economic justice for workers, language access to services, affirmative action, educational equity, housing and environmental justice, and the elimination of anti-Asian violence, police misconduct, and human trafficking.

This report was written by AALDEF staff attorney Jerry Vattamala, with the assistance of Democracy Program Director Glenn D. Magpantay and Executive Director Margaret Fung. AALDEF also acknowledges Voting Rights Organizer Chi-Ser Tran and Policy Analyst Nancy Yu, as well as fellows Matthew Clark, Lilian Pascone, Katie Wang, and Alan Xu and interns Cynthia Vuong, Tina Tran, Pamela Pan, and Jon Kim for their work.

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Asian American Legal Defense and Education Fund

99 Hudson Street, 12th floor, New York, New York 10013-2815

Phone: 212.966.5932 • Fax: 212.966.4303 • Email: info@aaldef.org • Website: www.aaldef.org

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EXECUTIVE SUMMARY

Right before the 2012 presidential election, many state legislatures created new ways to disenfranchise minority voters. The disenfranchisement was in the form of new redistricting plans, voter registration laws, voter identification laws, proof of citizenship laws, and challenges to Section 5 of the federal Voting Rights Act of 1965 (VRA). Many of these laws sought to address voter fraud, despite a lack of evidence about this problem, and disproportionately affected poor, young, minority, naturalized, and elderly voters. It was amid this backdrop that Asian American and other voters ventured to the polls in November 2012. In many states, Asian American voters faced hostile poll workers and outright discrimination, including being segregated into “Asian” voter lines.

Asian Americans are now the nation’s fastest growing minority group, numbering more than 18 million.¹ Though Asian Americans seek to participate in the electoral franchise, their participation is sometimes met with resistance. Asian Americans have had to overcome many barriers in order to exercise their right to vote – especially in 2012.

For 25 years, the Asian American Legal Defense and Education Fund (AALDEF) has monitored elections for anti-Asian voter disenfranchisement, compliance with the federal Voting Rights Act’s language assistance provisions (Section 203) and non-discrimination protections (Section 2), and implementation of the Help America Vote Act (HAVA). Section 203 requires Asian-language ballots and interpreters in covered jurisdictions. HAVA requires voting signs and provisional ballots for voters who may otherwise be prevented from voting, with identification of certain first-time voters. Since 1985 AALDEF has successfully persuaded several jurisdictions to voluntarily provide language assistance to voters.

This report reviews our observations from surveying 9,096 Asian American voters, in 11 Asian languages,² at 81 poll sites in 38 cities in 14 states – California, Florida, Georgia, Illinois, Louisiana, Maryland, Massachusetts, Michigan, Nevada, New Jersey, New York, Pennsylvania, Texas, Virginia – and Washington, DC about their voting encounters. Almost 850 volunteer attorneys, law students, and community volunteers conducted the exit poll. We also monitored 46 poll sites in six cities in three states, New York, New Jersey, and Massachusetts, during the 2012 Presidential Election on November 6, 2012. Twenty-five volunteer attorneys, law students, and community volunteers inspected the poll sites for mandatory language assistance and required postings under HAVA. We observed first-hand a number of problems and also received complaints from Asian American voters, interpreters, and other poll workers.

AALDEF monitors received more than 300 complaints of voting problems. Asian American voters were unlawfully required to prove their U.S. citizenship, provide identification to vote, mistreated by hostile or poorly trained poll workers, were denied Asian-language assistance, and had their names missing from or misspelled in the poll books. Asian American voters also faced long lines, machine breakdowns, misdirection to poll sites, and inadequate notification of poll site assignments or changes.

Although local election officials sought to comply with federal laws and provide assistance to voters, we found the following significant violations:

- **Annandale, VA**

Asian American voters were segregated from white voters. At one point on Election Day, poll workers directed all Korean American voters to stand on a separate voting line, which allowed white voters to vote first. This is not the first time we have observed Asian American voters being segregated into a separate “Asian” line. We observed Asian

American voters in Boston's Chinatown being segregated into a separate line in the 2004 Presidential election.³

- **New Orleans, LA**

At three poll sites in New Orleans, limited English proficient Vietnamese American voters, many of whom were senior citizens, were told that interpreters could not assist them or otherwise translate the ballot for them, in violation of Section 208 of the Voting Rights Act. AALDEF attempted to appeal to local elections officials, but the hotline number to report problems only led to a voicemail box.

- **Atlanta, GA**

Several Asian American voters in Georgia reported that they were not allowed to vote because they had not provided documentary proof of U.S. citizenship, as required under Georgia's new proof of citizenship law. One Asian American voter in Cobb County, despite having a U.S. passport, was told that she could only vote by provisional ballot and to go to the County Clerk's office to prove her eligibility to vote. In all states, 249 Asian American voters were required to prove their United States citizenship at the poll site. No states require proof of citizenship at poll sites.

- **New York, NY**

In Chinatown, Manhattan and Flushing, Queens, poll workers refused to give out provisional affidavit ballots to voters. In Chinatown, poll workers were unaware that affidavit ballots were even translated into Chinese.

Required language assistance was inadequate. Queens County has been covered for Asian Indian language assistance under Section 203 of the Voting Rights Act since October 13, 2011. However, the New York City Board of Elections did not provide Bengali language ballots to voters, nor were there "Interpreter Available" signs posted outside the sites.

- **Philadelphia, PA**

At the South Philadelphia High School poll site, there were too few interpreters to assist Vietnamese American voters. Before Election Day, Philadelphia officials said they had only trained four Asian language interpreters for the entire city. As a result, Asian American voters were turned away from the polls.

- **Hamtramck, MI**

Many poll sites in Hamtramck failed to provide Bengali ballots, make translated materials available, or provide interpreters, as required under Section 203 of the Voting Rights Act. In one case, the translated sign displaying the Voter Bill of Rights had nothing to do with voters' rights. Poll workers also complained that voting machine scanners would not read the translated Bengali ballots.

Vigorous enforcement of voting rights laws as well as concerted effort by local election officials can remedy many of these problems. AALDEF's recommendations to ensure and expand access to the vote are listed at the end of this report.

I. INTRODUCTION

A. Legal Background

1. The Voting Rights Act

Voting is a fundamental constitutional right.⁴ Equal access and opportunity to vote are the first steps towards safeguarding the fundamental right to vote.

In the early 1970s, Congress found that limited English proficiency was a serious barrier to the political participation of Asian Americans, Latinos, Alaskan Natives, and Native Americans. Asian American citizens were registered to vote at much lower rates than non-Hispanic whites.⁵ As a result, Congress adopted the language assistance provisions of the Voting Rights Act in 1975, and reauthorized them in 2007.⁶ In enacting these provisions, Congress found that:

[T]hrough the use of various practices and procedures, citizens of language minorities have been effectively excluded from participation in the electoral process. Among other factors, the denial of the right to vote of such minority group citizens is ordinarily directly related to the unequal educational opportunities afforded them resulting in high illiteracy and low voting participation.⁷

The provisions, codified at Section 203, mandate bilingual ballots and oral language assistance at voting booths and poll sites in certain jurisdictions with large populations of limited English proficient voting-age citizens. Section 203 has helped more than 700,000 Asian Americans, particularly first-time voters, fully exercise their right to vote.⁸

Section 203 covers counties when the census finds 5% or more than 10,000 voting-age (over 18 years old) citizens who speak the same Asian, Hispanic, or Native American



language have limited English proficiency, and, as a group, have a higher illiteracy rate than the national illiteracy rate.⁹

As a result of the 2010 Census, more jurisdictions are now required to provide Chinese, Filipino, and Vietnamese language assistance. For the first time, Chinese is required in Massachusetts; Korean in Bergen County, NJ; and South Asian languages in 4 jurisdictions: Cook County, IL; Hamtramck, MI; Los Angeles, CA; and Queens County, NY. Twenty-

two cities or counties in 11 states are now required to provide Asian American voters with translated voter registration forms, bilingual ballots and voting materials, and interpreters. Eight Asian language groups are covered.¹⁰

Another provision of the Voting Rights Act, Section 208, guarantees that limited English proficient voters may obtain assistance by persons of their choice.¹¹ These individuals may be friends, relatives, or official election interpreters, but not the voters' employers or union representatives. These individuals may also accompany the voters inside the voting booth to translate the ballot.

Section 2 of the Voting Rights Act guards against minority voter discrimination.¹² Asian American voters who were subjected to discrimination in voting can seek remedies that may include language assistance. The U.S. Department of Justice has brought lawsuits under Section 2 involving Asian Americans in which it sought translated voting materials and interpreters to ameliorate the harms that were perpetuated.¹³

Finally, Section 5 of the Voting Rights Act or the “preclearance provision” is intended to stop voter discrimination *before* it occurs. Under Section 5, states and counties with a history of racial and ethnic discrimination, determined by a coverage formula, must have the U.S. Department of Justice (DOJ) or the Washington DC federal court review any changes to voting rules and practices to make sure the proposed changes do not reduce the ability of minority voters to participate in the electoral franchise.¹⁴

On June 25, 2013, the Supreme Court ruled in *Shelby County, Alabama v. Holder* that the preclearance coverage formula in Section 4(b) was unconstitutional.¹⁵ Without a valid coverage formula, no jurisdictions are currently required to have any of their voting changes precleared under Section 5. The Court did not strike down Section 5, but without Section 4(b), no jurisdiction will be subject to Section 5 preclearance until Congress enacts a new coverage formula.¹⁶

2. The Help America Vote Act

Following the presidential election debacle in Florida in 2000, former Presidents Gerald Ford and Jimmy Carter co-chaired the National Commission on Federal Election Reform. The Commission’s report, *To Assure Pride and Confidence in the Electoral Process* (August 2001), laid the basis and findings for the Help America Vote Act (HAVA), which Congress enacted in December 2002.

HAVA provides voters with new rights, mandates a series of changes in how states conduct elections, and provides federal funds to update voting systems and expand access to the vote. HAVA provides all voters with the opportunity to cast provisional ballots and make voting information more accessible by providing sample ballots, instructions on how to vote, and information about voters’ rights.¹⁷

HAVA mandates that certain new voters provide identification in order to vote.¹⁸ Identification is required of first-time voters who registered by mail.

HAVA also provides federal money to help states improve election administration. These funds may be used to improve accessibility to the vote and poll sites for “individuals with limited proficiency in the English language.”¹⁹ States have broad discretion to use the money for language assistance or for other purposes, such as purchasing new voting machines or developing the statewide voter databases required under HAVA.

3. The National Voter Registration Act

The National Voter Registration Act (NVRA) established a national form for voter registration, with a clear provision that no additional requirements may be imposed by the states.²⁰ The federal voter registration form is particularly beneficial to Asian Americans because it is translated into Asian languages. In states that do not translate their state voter registration forms, voters may use the federal form, which is translated into Chinese, Korean, Vietnamese, and Tagalog.

B. AALDEF Voting Rights Program

AALDEF's voting rights program includes enforcement of the Voting Rights Act, fair redistricting that gives Asian Americans meaningful representation, advocacy for minority language assistance, elimination of voting barriers, and expanded access to the vote.

1. History

The Asian American Legal Defense and Education Fund has monitored elections since the 1980s and over the years has won many victories for Asian American voters.

In 1985, AALDEF negotiated an agreement with the New York City Board of Elections to provide Chinese language assistance at poll sites.

In 1988, AALDEF conducted a nonpartisan bilingual exit poll in New York's Chinatown to assess the use and effectiveness of voluntary language assistance.

In 1992, AALDEF testified before the U.S. House of Representatives Judiciary Committee on expanding the language assistance provisions of the Voting Rights Act.²¹ As a result, ten counties in New York, California, and Hawai'i were newly covered for Asian language assistance under Section 203.



In 1996, AALDEF expanded its poll monitoring in New York City to include more Asian ethnic groups, such as South Asian Americans.

In 2000, AALDEF's exit poll covered 14 poll sites surveying 5,000 Asian Americans in New York City.

In 2002, AALDEF's exit poll was expanded to four states: New York, New Jersey, Massachusetts, and Michigan surveying 3,500 voters in the Congressional Midterm Elections. In Michigan, AALDEF monitored a consent decree between the U.S. Department of Justice and the City of

Hamtramck to remedy past voting discrimination.

In 2004, AALDEF monitored the Presidential Election in 23 cities in 8 states. Over 1,200 volunteer attorneys, law students, and community volunteers monitored almost 200 poll sites, and surveyed 10,789 Asian American voters, in 23 Asian languages and dialects, at 87 poll sites.²²

In 2005 and 2006, using findings from past poll monitoring efforts, AALDEF joined or initiated lawsuits against Boston and New York City, respectively, for compliance with the Voting Rights Act.

In 2006, AALDEF also testified before the U.S. Senate Judiciary Committee in support of reauthorizing the language assistance provisions of the Voting Rights Act.²³ AALDEF's comprehensive report, which found that Asian American voters continued to face racial discrimination, harassment, and institutional barriers in the electoral process, was included in the Congressional Record.

In 2008, AALDEF covered a total of 229 poll sites²⁴ in 52 cities in 11 states. An exit poll surveyed 16,665 Asian American voters, in 11 Asian languages and dialects,²⁵ about

their experiences in voting at 113 poll sites. Volunteer attorneys also inspected 137 poll sites in New York City and Boston that were specifically targeted for language assistance under the Voting Rights Act and in Northern Virginia, Northern New Jersey, and Eastern Pennsylvania for voting signs required under HAVA. Over 1,500 volunteer attorneys, law students, and members of the co-sponsoring organizations observed first-hand a number of problems and received more than 800 complaints from Asian American voters, interpreters, and poll workers.²⁶

In 2009, AALDEF polled over 2,000 Asian American voters in Manhattan, Queens, and Brooklyn in New York City's municipal elections for Mayor, City Council and other local races. AALDEF conducted the exit poll at 13 poll sites in six languages: English, Chinese, Korean, Bengali, Punjabi, and Urdu. AALDEF also dispatched 150 attorneys, law students, and community volunteers to 50 poll sites to monitor the voting process. AALDEF urged the Department of Justice to investigate violations of the Voting Rights Act against Asian American voters and volunteers who were racially targeted and harassed in a Queens city council race between Kevin Kim, a Korean American candidate, and his white opponent, Dan Halloran.²⁷

In 2010, AALDEF conducted a five-state multilingual exit poll of over 3,500 Asian American voters in collaboration with 30 national and local community groups. The 2010 exit poll was conducted in five states with large Asian American populations: New York, Massachusetts, Pennsylvania, Texas and Georgia. The exit poll was conducted at 34 poll sites in 8 languages and dialects: Chinese, Korean, Vietnamese, Khmer, Bengali, Punjabi, Urdu, and Gujarati. AALDEF also monitored almost 50 poll sites for compliance with the Voting Rights Act and Help America Vote Act (HAVA). Volunteer attorneys checked the provision of Asian-language ballots, interpreters, signs and voting materials, which are required in certain districts; improper requests for voter identification, and whether provisional ballots were offered to Asian Americans whose names did not appear on voter lists.

In 2011, AALDEF dispatched attorneys, law students, and community volunteers to monitor and document voting barriers faced by Asian American voters in poll sites in Massachusetts, including Boston, Quincy, and Dorchester. AALDEF also conducted a nonpartisan exit poll in Chinese and English on Asian American voting preferences in Boston and Philadelphia. Both Boston and Philadelphia had Asian American candidates running for city council in the municipal elections.²⁸

2. Asian American Election Protection 2012

On November 6, 2012, AALDEF covered a total of 81 poll sites²⁹ in 38 cities in 14 states – California, Florida, Georgia, Illinois, Louisiana, Maryland, Massachusetts, Michigan, Nevada, New Jersey, New York, Pennsylvania, Texas, Virginia – and Washington, DC.³⁰

AALDEF surveyed 9,096 Asian American voters, in 11 Asian languages and dialects,³¹ about their experiences in voting at 81 poll sites. Volunteer attorneys inspected 46 poll sites in New York City, New Jersey and Massachusetts that were specifically targeted for language assistance under the Voting Rights Act and for voting signs required under HAVA.

In total, 878 volunteer attorneys, law students, and members of the co-sponsoring organizations observed first-hand a number of problems and received more than 300 complaints from Asian American voters, interpreters, and poll workers. The exit poll and poll site monitoring documented incidents of anti-Asian voting disenfranchisement and the need for voluntary language assistance.

AALDEF also observed 180 election precincts at 56 polling places during the Presidential Primary Elections in Bergen County, NJ (June 5); Hamtramck, MI (February 28); Philadelphia, PA (April 24); Queens County, NY (June 26, September 13); and Quincy, MA (March 6).³²

AALDEF operated a multilingual telephone hotline to record complaints of voting problems. Operators spoke seven languages and dialects: English, Cantonese, Mandarin, Toisan, Korean, Tagalog, and Gujarati.



Whenever serious problems arose on Election Day, AALDEF attorneys immediately contacted local election officials to remedy the situations and reported incidents on the 1-888-OUR VOTE hotline as part of the national Election Protection Project of the Lawyers Committee for Civil Rights.

Every week throughout the year, AALDEF also registers new voters at the Manhattan federal court in New York City after naturalization swearing-in ceremonies. In 2012, AALDEF registered over 2,700 new voters.

3. New Initiatives in 2012

In 2012, AALDEF launched new initiatives to protect the Asian American vote. To prepare for the Presidential Election, AALDEF initiated several advocacy, community education, and legal support efforts. AALDEF worked with local elections officials and community-based organizations in several states to improve language assistance for Asian American voters.

a. Advocacy

AALDEF met with local boards of elections to discuss their language assistance programs.

In New Jersey, AALDEF met with the Bergen County Board of Elections, Clerk's Office, and Superintendent. Bergen County does not transliterate candidates' names on ballots in Korean. Transliterating candidates' names is the most crucial component of a comprehensive translated ballot. The U.S. Department of Justice has determined that Section 203 mandates fully translated ballots, including the transliteration of candidates' names.³³

In New York, AALDEF worked closely with the New York City Board of Elections to have Bengali designated as the South Asian language for written language assistance, and to have Bengali, Hindi, and Punjabi as the languages for oral assistance, in compliance with Section 203. AALDEF also helped the Board recruit additional Bengali, Chinese, Hindi, Korean, and Punjabi interpreters to work at poll sites.

In Pennsylvania, AALDEF met with the Chair of the Philadelphia City Commissioners to discuss steps to increase language access for Asian American voters in Philadelphia. This followed a 2007 settlement in *U.S. v. Philadelphia*³⁴, where the City orally agreed to provide interpreters for Chinese, Khmer, Korean, and Vietnamese voters. AALDEF will continue to monitor elections in Philadelphia to ensure that the City complies with this agreement.

b. Community Education

In response to a recent wave of state laws that require voters to provide photo identification and documentary proof of citizenship, AALDEF developed fact sheets on voting laws in Florida, Georgia, Illinois, Louisiana, Maryland, Massachusetts, Michigan, Nevada, New Jersey, New York, Texas, Virginia, and Washington, D.C. These fact sheets inform voters of their rights and address the legal issues that may arise when nonprofit organizations seek to encourage voter participation. The fact sheets also review local, state, and federal laws regarding jurisdictions' legal obligations throughout the voting process and voters' rights with respect to interpreters, provisional ballots, and remedies.

In collaboration with the Asian Pacific American Bar Association of Pennsylvania, AALDEF produced and disseminated a special fact sheet for Pennsylvania that explains the recently enacted voter photo identification law; it is translated into Chinese, Khmer, Korean, and Vietnamese.

In May and June 2012, AALDEF conducted a series of free legal trainings for Asian American community-based organizations to help them prepare for summer voter registration drives and the November Presidential Election. AALDEF attorneys provided information on local, state, and federal laws regarding:

- (1) non-profit organizations' legal responsibilities in conducting voter registration drives;
- (2) voters' rights on Election Day with respect to interpreters, provisional ballots, identification requirements, and remedies when a problem arises; and
- (3) tax-exempt nonprofit organizations' electoral and voter education activities.

In addition, AALDEF created and disseminated multilingual fact sheets to educate community members and leaders about Section 203. These fact sheets are available in English and 10 Asian languages: Bengali, Chinese, the Filipino dialects of Ilocano and Tagalog, Hindi, Japanese, Korean, Punjabi, Urdu, and Vietnamese. The fact sheets explain the law's requirements, its benefits, and the procedure for reporting problems to ensure that all Asian American voters can fully exercise their right to vote.

b. Exit Poll and Poll Monitoring Trainings

In October and November, AALDEF conducted over 30 training sessions in 10 states: Florida, Georgia, Louisiana, Massachusetts, Michigan, Nevada, New Jersey, New York, Pennsylvania, Texas and Washington DC. AALDEF trained 900 lawyers, community leaders, law students and volunteers through in person and telephone trainings to participate in the nationwide exit poll and poll monitoring project.

Voter Education – AALDEF educated voters, through ethnic media press conferences and multilingual information sheets, about their rights under HAVA and the Voting Rights Act. AALDEF informed voters about provisional ballots, what to do if their names were missing from voting lists or their records had incorrect information, and the right to bring friends or family members into the voting booth to translate the ballot for them.

4. Voting Rights Litigation Since 2008 and Complaints in Preparation for 2012

After the 2008 elections, AALDEF initiated or participated in the following cases under federal election laws:

Shelby County, Alabama v. Holder – AALDEF filed an *amicus* brief with the U.S. Supreme Court on behalf of 28 Asian American groups urging the Court to uphold Section 5 of the Voting Rights Act of 1965, which allows the U.S.

Department of Justice or the U.S. District Court of the District of Columbia to ensure that any proposed new voting rules do not discriminate against or disenfranchise minority voters.³⁵

Alliance of South Asian American Labor v. The Board of Elections in the City of New York – AALDEF filed a lawsuit under Section 203 of the Voting Rights Act against the NYC Board of Elections for failure to provide adequate Bengali language assistance.³⁶

Arizona v. Inter Tribal Council of Arizona – AALDEF filed an *amicus* brief in the U.S. Supreme Court, challenging the legality of Arizona's Proposition 200, the state's restrictive voter registration law. AALDEF argued that Proposition 200 unfairly burdened naturalized citizens, who make up almost 40% of the state's Asian American population.³⁷

Applewhite v. Pennsylvania – AALDEF filed an *amicus* brief in the Pennsylvania State Supreme Court challenging the constitutionality of Pennsylvania's restrictive voter ID requirement. AALDEF's *amicus* brief demonstrated that Pennsylvania's new photo ID requirements would have discriminatory impacts on Asian American voters. The brief detailed findings from election monitoring data compiled by AALDEF and other Asian American groups over the last decade.³⁸

Perry v. Perez – AALDEF filed an *amicus* brief urging the U.S. Supreme Court to affirm a Texas federal district court's interim redistricting plan after the Department of Justice contended that the Texas state legislature's plan diluted the voting power of Asian Americans and other people of color.³⁹

Favors v. Cuomo – AALDEF filed a Complaint-In-Intervention on behalf of four Asian American voters urging the Brooklyn federal court to adopt a redistricting plan that provides Asian Americans in New York with equal political representation. AALDEF's complaint requested that an independent party or "Special Master" be appointed to redraw districts immediately.⁴⁰

AALDEF also made specific complaints about particular issues in anticipation of the 2012 Elections.

Redistricting - AALDEF, along with Latino Justice/PRLDEF, National Institute for Latino Policy, and the Center for Law and Social Justice at Medgar Evers College, created the "Unity Map," which proposed district lines for New York state assembly, state senate, congressional districts, and city council. AALDEF also advocated for fair redistricting on behalf of Asian American communities in New Jersey congressional and state redistricting, Boston city council redistricting, Massachusetts congressional redistricting, Pennsylvania congressional and state redistricting, Philadelphia city council redistricting, and Texas redistricting.

Harassment of Asian American voters – In 2009, Asian American voters in Queens were harassed, assaulted, intimidated, unfairly challenged and denied required language assistance in a racially charged city council race between a white candidate and an Asian American candidate. AALDEF filed a complaint with the U.S. Department of Justice under the Voting Rights Act's anti-intimidation provisions.⁴¹

5. After Election Day 2012

AALDEF received more than 300 complaints of voting problems on Election Day. In the weeks after the elections, AALDEF followed up with every voter to confirm the incidents and obtain more details.

AALDEF also looked up voters' records in official databases of registered voters to confirm the complainants' registrations, assigned poll sites, and whether their votes were counted.

AALDEF sent complaint letters to election officials in each of the jurisdictions we monitored. These letters reviewed the most significant problems in detail and offered concrete recommendations for improvements. These letters were sent to elections officials in the following jurisdictions:

CA: San Diego
 DC: Washington
 FL: Miami-Dade
 GA: DeKalb County, Gwinnett County
 LA: New Orleans
 MA: Boston, Lowell, Malden, Quincy
 MD: Montgomery County
 MI: Troy, Ann Arbor, Canton, Dearborn, Gaines, Novi, Detroit, Hamtramck
 NJ: Hudson County, Bergen County
 NV: Clark County
 NY: New York City
 PA: City of Philadelphia, Delaware County
 TX: Harris County, Fort Bend County
 VA: Arlington, Fairfax, Chesterfield, Henrico, Virginia Beach

This report highlights the most widespread and egregious barriers Asian American voters encountered during the 2012 Elections.

AALDEF's Multilingual Exit Poll, Nov. 2012: Respondents

ALL	FIRST-TIME VOTER	FOREIGN BORN	NO FORMAL U.S. EDUCATION	ENGLISH AS NATIVE LANGUAGE	LIMITED ENGLISH PROFICIENT	LARGEST ETHNIC GROUPS
TOTAL: 9,096	27%	79%	24%	18%	37%	31% Chinese 30% South Asian 12% Vietnamese 11% Korean 9% Filipino
BY ETHNIC GROUP						
Chinese	23%	75%	26%	16%	55%	N/A
Korean	20%	84%	37%	18%	67%	N/A
Filipino	23%	74%	12%	26%	7%	N/A
South Asian	34%	88%	26%	*	25%	45% Indian 40% Bangladeshi 10% Pakistani
Vietnamese	26%	83%	20%	9%	59%	N/A

AALDEF EXIT POLL RESULTS – Nov. 6, 2012

All Voters Surveyed	First-Time Voter	Foreign Born	No Formal U.S. Education	English as Native Language	Limited English Proficient	Largest Asian Groups Surveyed
TOTAL: 9,096	27%	79%	24%	18%	37%	31% Chinese 30% South Asian 12% Vietnamese 11% Korean 9% Filipino

BY STATE						
New York	29%	82%	32%	17%	45%	Chinese 43% Bangladeshi 20% Korean 12% Asian Indian 11%
New Jersey	23%	87%	51%	11%	49%	Korean 57% Asian Indian 15% Filipino 8%
Massachusetts	25%	74%	23%	21%	47%	Chinese 52% Vietnamese 32%
Pennsylvania	28%	79%	31%	10%	53%	Chinese 35% Vietnamese 24% Cambodian 12% Asian Indian 6%
Michigan	29%	77%	17%	17%	23%	Bangladeshi 34% Asian Indian 20% Arab 15%
California	16%	57%	6%	40%	9%	Filipino 62% Vietnamese 16% Chinese 9%
Illinois	18%	83%	46%	17%	27%	Korean 67% Asian Indian 17%
Virginia	24%	74%	14%	24%	20%	Chinese 21% Asian Indian 20% Korean 20% Vietnamese 10%
Georgia	31%	85%	16%	14%	28%	Asian Indian 33% Korean 24% Chinese 14%
Maryland	26%	75%	12%	22%	24%	Chinese 26% Asian Indian 20% Korean 17% Vietnamese 11%
Texas	28%	86%	12%	11%	32%	Vietnamese 31% Asian Indian 25% Chinese 18% Pakistani 11%
Louisiana	29%	84%	21%	8%	67%	Vietnamese 98%
Nevada	26%	71%	7%	35%	5%	Filipino 67% Other 18% Chinese 6%
Florida	0%	100%	27%	27%	55%	Chinese 100%
District of Columbia	18%	47%	14%	40%	22%	Chinese 49% Korean 19% Asian Indian 12%

III. FINDINGS AND OBSERVATIONS

Asian Americans had to overcome many barriers to exercise their right to vote, including (A) the lack of language assistance; (B) racist and poorly trained poll workers; (C) incomplete voter lists and denials of provisional ballots; (D) improper identification checks; and (E) poll site confusion.

AALDEF Voter Survey, November 6, 2012	
<u>Complaint/ Problem</u>	<u>Voters</u>
Required to prove US citizenship	249
Name missing / incorrect	307
Voted by provisional ballot	215
No interpreters / translated materials	183
Poll workers poorly trained	165
Directed to wrong poll site/precinct voting booth	105
Poll workers were rude/hostile	136

Segregated Voting Lines in Fairfax County, VA

At the Annandale Fire Station #8 poll site, voters were segregated into two separate lines. One line was comprised exclusively of Korean American voters; the other line was made up of voters from all other ethnic backgrounds. An election officer stated, "Koreans stand in this line." Poll workers separated all Korean American voters into the second line because "there were so many."

The poll worker's statements offended many Korean American voters who did not require language assistance. Ironically, there was no interpreter to provide language assistance for the Korean-speaking voters in that line. The Electoral Board should provide better training for election officers to communicate with voters and provide language assistance at poll sites that need it.

Extremely Long Lines in Miami, FL

At the West Dade Regional Library poll site, voters waited on line up to four and a half hours for early voting on October 27, 2012. This long wait time was for early voting, and was presumably less than it was on November 6, 2012. Many elderly voters are unable to stand in line for such an unreasonably long period of time. We recommend increasing the number of poll sites, early voting dates, voting booths, and poll workers to help alleviate the problem.

A. Language Assistance

Limited English proficient Asian Americans had much difficulty in voting. In AALDEF's survey, 79% of all respondents were foreign-born naturalized citizens. 24% had no formal education in the United States,⁴² and only 18% identified English as their native language. 37% were limited English proficient,⁴³ of which more than one quarter (27%) were first-time voters.

22% of respondents indicated that they preferred to vote with the help of an interpreter and/or translated materials.

Limited English Proficiency by Language Group

	Very Well	Moderate	Not Well	Not at All
Korean	21%	3%		
Vietnamese	24%	6%		
Chinese	20%	10%		
Bengali		3%	1%	
ALL ASIAN AMERICANS	12%	4%		
Punjabi	4%	7%		
Hindi		6%	1%	
Urdu		2%		
Arabic		2%	1%	
Gujarati		4%	1%	
Tagalog				1%

Language assistance, such as interpreters or translated voting materials, if any, was far from adequate. Notwithstanding federal mandates, poll workers did not know about or were hostile to providing language assistance to voters. In our survey, 183 Asian American voters complained that there were no interpreters or translated materials available to help them vote.

1. Compliance with the Voting Rights Act (Mandatory Language Assistance)

The Voting Rights Act requires language assistance for voters in several jurisdictions where AALDEF conducted its survey. Section 203 of the Act covers counties in California, Illinois, Massachusetts, Michigan, Nevada, New Jersey, New York and Texas for translated ballots, voting materials, and interpreters at poll sites.

- California - Filipino, Chinese and Vietnamese assistance is required in San Diego.
- Illinois - Chinese and Asian Indian (Hindi) assistance is required in Cook County.
- Massachusetts - Chinese assistance is required in Quincy.
- Michigan - Bangladeshi assistance is required in Hamtramck.
- Nevada - Filipino assistance is required in Clark County.
- New Jersey - Korean assistance is required in Bergen County.
- New York - Chinese assistance is required in Queens, Brooklyn (Kings County), and Manhattan (New York County), and Korean and Asian Indian (Bengali) assistance in Queens.
- Texas - Vietnamese and Chinese assistance is required in Houston (Harris County).

- Boston, MA - Similarly, Massachusetts state law requires language assistance in Boston for Chinese and Vietnamese American voters. Notwithstanding positive efforts by elections officials, there have been many shortcomings in compliance.

a. Translated Voting Materials and Signs Missing

Section 203 requires the translation and posting of all voting signs and materials. However, many poll sites did not have them. Poll workers were both uninformed and unwilling to display the translated voting materials properly.

In Queens County, NY, Bengali ballots were not provided to voters, despite the fact that Queens was required to provide Asian Indian language assistance under Section 203 since October 13, 2011. The Board of Elections chose several alternative measures, such as translated sample ballots and lists of candidates names transliterated into Bengali to assist Bengali-speaking voters, but these proved to be confusing to Bengali speaking voters with limited English proficiency.

In Woodside, NY, the ballot was not translated into Korean, as required by Section 203. The general election instructions, names of candidates, party names, and offices sought were translated into both Spanish and Chinese, but not Korean.

In Jamaica, NY, Bengali materials were missing, including Bengali affidavit ballots. The Bengali affidavit ballots were not available until an AALDEF observer asked where these materials were located. Poll workers seemed unfamiliar with multilingual materials.

In Lowell, MA, poll workers at four poll sites failed to post almost all of the translated signs, including signs indicating the availability of interpreters. Interpreters did not display name badges identifying them as interpreters.

In Hamtramck, MI, the translated Bengali signage, intended to assist voters in locating their correct precincts, was printed in a very small font and placed in locations hidden from view, such as behind voters when they entered the building and around the corner, but not in the main hallway.

In a poll site in Bergen County, NJ, one Korean American voter noted the lack of Korean signage directing voters to the polling place. Similarly, in the June 5, 2012 primary election, 5 of the 6 poll sites we observed in Bergen County were missing required bilingual signage.

b. Interpreter Shortages

Oral language assistance is also needed to help limited English proficient voters cast their ballots.

In New York City, many poll sites did not have enough interpreters. Eight percent of all Chinese-speaking interpreters assigned by the Board of Elections, 33% of all Korean-speaking interpreters assigned, and 27% of all Bengali and Hindi-language interpreters assigned were missing.

In Hamtramck, MI, there was an insufficient number of Bengali interpreters to assist voters in locating their correct precincts.

In Bergen County, NJ, 33% of Korean American voters with limited English proficiency were not provided language assistance at the Senior Citizens Activities Center poll site. Similarly, in the June 5, 2012 primary election in Bergen County, NJ, only certain poll

sites, 3 out of 6 sites we observed, had Korean bilingual poll workers. Indeed, elections officials do not have a formal 203 compliance plan in place and do not have a targeted methodology to identify the poll sites with the greatest needs for Korean language assistance.

In Harris County, TX, observers at 3 out of 4 poll sites found that more than 20% of voters did not receive Chinese or Vietnamese language assistance.

In Boston, MA, 16% of voters had difficulty voting, because they did not receive language assistance. Twenty-five voters reported that they needed translated written materials but that none were available. Thirty voters needed the assistance of an interpreter who spoke their language.



In Philadelphia, many poll sites did not have sufficient, if any, Asian language interpreters. Prior to Election Day, we communicated this concern to the Election Department and learned that only three Asian language interpreters were trained to work on Election Day. We observed numerous Asian American voters who experienced difficulty in voting due to the City's failure to provide interpreters. 57% of Asian Americans in Philadelphia are limited English proficient and 34% prefer voting with language assistance.

c. Adequacy of Translated Ballots

Section 203 requires the translation of ballots so that limited English proficient voters can fully and independently exercise their right to vote. However, the full translation and readability of translations continued to be an issue in the 2012 elections.

In Hamtramck, MI, a poll worker complained that translated Bengali ballots would be invalid because they had identical serial numbers with other English-language ballots.

In New Jersey, ballots did not have transliterations of candidates' names in Korean. Limited English proficient voters typically know the candidates by their transliterated names, which appear in Asian-language media, advertising, and campaign literature.

On Election Day, many Asian American voters were denied mandatory language assistance required under Section 203, resulting in prolonged waiting time for all voters and limited English proficient Asian American voters being unable to vote.

AALDEF Multilingual Exit Poll, Nov. 2012: Language Minority Groups

STATE - LOCALITY	LANGUAGE MINORITY GROUP	LIMITED ENGLISH PROFICIENT	PREFERS VOTING WITH ASSISTANCE OF INTERPRETER OR TRANSLATED MATERIALS
CALIFORNIA			
- SAN DIEGO	Vietnamese	28%	17%
DISTRICT OF COLUMBIA			
- DISTRICT OF COLUMBIA	Chinese	36%	27%
GEORGIA			
- DEKALB CO.	Vietnamese	18%	9%
- GWINNETT CO.	Korean	61%	22%
	Vietnamese	48%	12%
	Chinese	21%	3%
LOUISIANA			
- NEW ORLEANS	Vietnamese	67%	41%
MARYLAND			
- MONTGOMERY CO.	Chinese	23%	16%
	Korean	41%	19%
	Vietnamese	42%	17%
MASSACHUSETTS			
- BOSTON	Chinese	53%	44%
	Vietnamese	68%	37%
- MALDEN	Chinese	51%	42%
- QUINCY	Chinese	26%	17%
MICHIGAN			
- WAYNE CO.	Bangladeshi	44%	36%
NEW JERSEY			
- BERGEN CO.	Korean	72%	28%
- HUDSON CO.	Asian Indian	26%	11%
NEW YORK			
- BROOKLYN	Chinese	56%	42%
	Bengali	48%	17%
- MANHATTAN	Chinese	56%	45%
- QUEENS	Chinese	45%	27%
	Korean	71%	38%
	Bengali	48%	28%
PENNSYLVANIA			
- PHILADELPHIA	Chinese	74%	52%
	Vietnamese	68%	33%
TEXAS			
- HOUSTON	Vietnamese	62%	32%
	Chinese	62%	27%
VIRGINIA			
- ARLINGTON CO.	Chinese	35%	22%
- FAIRFAX CO.	Korean	39%	14%
	Vietnamese	49%	14%

2. Compliance with Section 208 (Assistance by Persons of Choice)

Voters have the right to be assisted by persons of their choice under Section 208 of the Voting Rights Act. Unlike Section 203, this provision applies across the nation. These assistants may accompany voters inside the voting booth to translate the ballot. The only exception under this federal law is that they may not be the voters' union representatives or employers. Poll workers, however, obstructed this right.

At poll sites in New Orleans, LA, poll workers did not allow limited English proficient voters to bring interpreters with them into the voting booth for the entire day. Poll workers stated that anyone who wanted to be accompanied by an interpreter because of illiteracy in English needed to have preclearance. In Louisiana, a voter can file a statement setting forth their need for assistance on Election Day, and does not require preclearance. When voters chose Vietnamese-speaking staff members from Vietnamese American Young Leaders Association of New Orleans for assistance, poll workers objected and

sought to deny the voters' choices. Many voters complained about the lack of interpreters.



At poll sites in Fort Bend County and Harris County, TX, poll workers did not allow limited English proficient voters to bring interpreters with them into the voting booth. One elderly voter with limited English proficiency was denied her granddaughter's language assistance inside the voting booth and was forced to cast her vote without the help she was entitled to.

3. Voluntary Language Assistance

Many states and localities with large and growing Asian American populations are not required to provide language assistance under federal law. In response, AALDEF has successfully persuaded elections officials in New Jersey, Massachusetts, Illinois, Michigan, Pennsylvania, Virginia, and Maryland to provide language assistance voluntarily to voters. Such commendable efforts were insufficient. In every state where AALDEF conducted poll monitoring, limited English proficient voters complained about the lack of assistance.

a. New York: Bengali and Urdu

New York City has the largest South Asian population in the nation. In AALDEF's survey, Bengali and Urdu speakers in Brooklyn were limited English proficient and needed language assistance. The New York City Board of Elections should translate voter registration forms and provide Bengali and Urdu interpreters at poll sites in Brooklyn.

b. Massachusetts: Khmer, Chinese and Vietnamese

Boston, Lowell, Quincy, and Malden have growing Asian American populations, and groups like the Chinese Progressive Association have long worked to increase Asian American voting participation. Among native Khmer speakers in Lowell, 47% were limited English proficient. Twenty-nine percent of voters used interpreters to help them cast their ballots.

While the Lowell Elections Commission hired Khmer interpreters, they were not always readily accessible to voters due to the failure of poll workers to post signs indicating the availability of interpreters, wear nametags, or actively approach voters.

In Malden, 51% of Chinese American voters were limited English proficient and 42% preferred language assistance. Twenty-two percent of voters had difficulty voting because they did not receive any language assistance.

Asian language assistance should be provided on a statewide level to encompass localities with growing Asian American populations.

c. Pennsylvania: Chinese, Vietnamese, Korean, and Khmer

AALDEF collaborated with Boat People SOS – Delaware Valley, which worked on voter education and turnout during both the Presidential Primary and General Elections in Philadelphia.

Among native Chinese speakers, 74% were limited English proficient and 51% preferred language assistance. Among native Vietnamese speakers, 67% were limited English proficient and 31% preferred language assistance. Among native Korean speakers, 56% were limited English proficient and 33% preferred language assistance. Among native Khmer speakers, 33% were limited English proficient and 23% preferred language assistance.

The U.S. Department of Justice sued the City of Philadelphia for violations of the Voting Rights Act for Spanish language assistance in 2006. With the settlement in *U.S. v. Philadelphia*,⁴⁴ the City agreed to provide Asian language interpreters at poll sites. In 2012, the City provided a total of 4 Chinese, Khmer, Korean, and Vietnamese interpreters for the entire city.

Not surprisingly, there were interpreter shortages. At the South Philadelphia Branch Library poll site, the lack of assistance caused voters to leave when poll workers could not assist them.

Philadelphia provided a language line that poll workers could call to get on-the-spot assistance for voters. However, poll workers did not know it existed or the line was overwhelmed with questions and was constantly busy.

In Upper Darby, PA, 44% of Bangladeshi voters were limited English proficient and 67% preferred language assistance. Thirty-three percent of Asian Indian voters were limited English proficient and 13% preferred language assistance.

d. Michigan: Bengali and Arabic

AALDEF has been assisting APIA Vote Michigan and the Arab Community Center for Economic and Social Services in developing strategies to advocate for language assistance in particular municipalities.

Among native Bengali speakers in Detroit, 45% were limited English proficient. Twenty-seven percent prefer voting with language assistance. In Hamtramck, 40% of native Arabic speakers were limited English proficient. Twenty-nine percent prefer voting with language assistance.

In Dearborn, 27% of Arabic speakers were limited English proficient. Twenty-one percent of Arabic speaking voters used interpreters and 18% prefer voting with some form of language assistance.

e. Virginia: Vietnamese and Korean

The Asian Pacific American Legal Resource Center's (APALRC) Language Rights Project expands language assistance to government services in the District of Columbia, Virginia, and Maryland. AALDEF worked with APALRC to monitor language access at the polls. Among Vietnamese speakers surveyed in Fairfax County, VA, 49% were limited English proficient. Fourteen percent prefer voting with language assistance. Thirty-nine percent of Korean speakers were limited English proficient. Fourteen percent prefer voting with language assistance.



f. Maryland: Chinese, Vietnamese and Korean

In Montgomery County, 41% of Korean speaking voters were limited English proficient with 19% preferring to vote with language assistance. Forty-two percent of Vietnamese speaking voters were also limited English proficient and 17% preferred to vote with language assistance. Twenty-three percent of Chinese speaking voters were limited English proficient and 16% preferred to vote with language assistance. Seventeen voters said they needed the assistance of an interpreter, but none were available in their language.

g. Texas: Bengali and Chinese

Houston is covered under the Voting Rights Act for Vietnamese and Chinese language assistance. In our survey, 50% of Mandarin-speaking voters and 33% of Bengali-speaking voters needed interpreters in order to vote in Fort Bend County, and these voters were not provided with assistance.

h. Louisiana: Vietnamese

The largest Asian American population in the region is Vietnamese. Vietnamese American Young Leaders Association of New Orleans worked on voter education and registration. In our survey, 67% of Vietnamese voters were limited English proficient. Forty-one percent of voters needed interpreters. Voters complained about the lack of assistance at poll sites and were prevented from being assisted by a person of their choice.

i. Georgia: Urdu, Cantonese, Korean and Vietnamese

Eighty-four voters surveyed in Gwinnett County were limited English proficient. At the Lucky Shoals Community Center poll site, 50% of Urdu-speaking voters needed interpreters. At the Hull Middle School poll site, 50% of Cantonese-speaking voters and 14% of Vietnamese-speaking voters need interpreters. At the Full Gospel Atlanta Church poll site, 24% of Korean-speaking voters needed interpreters.

In conclusion, local elections officials should be commended for voluntarily providing language assistance to Asian American voters. However, such efforts must be expanded to ensure full access to the vote. Local elections officials should translate voter registration forms, voter guides, ballots and other voting materials, as well as hire bilingual poll workers.

B. Racist and Poorly Trained Poll Workers

Poll workers were hostile towards Asian American and limited English proficient voters. In our survey, 136 Asian American voters complained that poll workers were “rude or hostile.” Several more poll workers were unhelpful or unknowledgeable about proper election procedures, prompting 165 Asian American voters to complain to AALDEF.

1. Racist Poll Workers

A number of poll workers made derogatory remarks and gestures.

In Elmhurst, NY, a voter reported that poll workers were rude to her father and mistreated the Chinese language interpreter on site. While the voter’s father was receiving help from the interpreter, a white poll worker grabbed materials away from the interpreter.

In Fairfax County, VA, an election officer stated, “Koreans stand in this line.” Poll workers separated all Korean American voters into a separate line because “there were so many.”

Sometimes Asian American voters complained that they were treated with less courtesy than white voters, or simply ignored.

2. Poorly Trained Poll Workers

HAVA requires that voters be informed of their rights at poll sites. Poll workers, however, failed to post required signs and were not aware of relevant local and federal laws.

At least one form of voting machine instructions, such as laminated instruction sheets, posters with instructions, and stickers with instructions placed inside voting machines, were missing from 44% of the poll sites AALDEF inspected in New York City. Multilingual “when to use an affidavit ballot” tent cards were missing from 25% of the election districts.

In Elmhurst, NY, a voter reported that poll workers were unable to provide clear instructions on ballot usage.

In Flushing, NY, a poll worker instructed a voter to mark his ballot multiple times for the same race.

3. Improper Electioneering

Poll workers engaged in improper electioneering. In New Orleans, LA, a Vietnamese-speaking poll worker refused to assist a voter after overhearing the voter expressing support for the re-election of the Democratic Presidential candidate. The poll worker, whose Republican affiliations were well known in the community, was hostile and rude to the voter.

C. Incomplete Voter Lists and Denials of Provisional Ballots

Many Asian Americans complained that their names were missing from lists of registered voters located at poll sites. In the past, poll workers used to turn away voters, but HAVA now requires that provisional ballots be given to all voters to preserve their right to vote.

However, such ballots were not always offered or were expressly denied. At times, voters were even turned away.

1. Asian Voters' Names Missing

Voters reported to their assigned poll sites, or to poll sites where they had previously voted, only to find their names missing from voter lists. In our survey, 307 voters complained that their names were not listed or listed incorrectly.

Voters' names were misspelled or their first and last names were inverted. In some instances, wives' names were missing but their husbands' names were found. When voters complained about these errors, poll workers became hostile.



In New York City, we observed numerous voters who were forced to vote by provisional ballot because their names were not in the voter rolls or there was an error in the voter's information in the voter rolls or the Board of Elections database.

In Chinatown, NY, poll workers were actively discouraging voters from using affidavit ballots, erroneously saying that affidavit ballots could result in their votes not being counted.

In Elmhurst, NY, poll workers were untrained and unprepared to assist voters with affidavit ballots.

In New Orleans, LA, a number of Vietnamese American voters were forced to vote by provisional ballot because their names were misspelled or missing. One voter, who had voted at the same poll site twice in the past, was not listed on the voter roll, even though his mother and cousin, who use the same surname, were listed correctly. The voter was forced to vote by provisional ballot. Another voter had corrected a misspelling in her name after the two prior elections, yet the same misspelling error appeared again for a third time.

There were several deficiencies in agency registration. The National Voter Registration Act requires voter registration to be done by state agencies, such as the Department of Motor Vehicles. Several voters complained of deficiencies in this process.

In Fairfax County, VA, two voters with the same name were registered at different precincts within the same poll site. This confused election officers, who delayed the voter several hours before he was allowed to vote. Eventually, the election officers provided the voter with a provisional ballot. The voter complained that there was no Vietnamese interpreter to explain the voter registration issue more clearly.

Another voter in Falls Church, VA, reported that she was forced to vote by provisional ballot because election officers believed she had already cast her vote. She was told that her vote had already been received as an absentee ballot.

2. Denials of Provisional Ballots

Although HAVA requires that voters whose names are missing be offered provisional ballots, poll workers denied voters this right and simply turned them away. Indeed, voters had to demand, explicitly, provisional ballots. In our survey, 215 voters complained that they had to vote by provisional ballots.

Poll workers were too quick to turn away Asian American voters and assumed they were not registered, as we observed in Philadelphia, PA.

Poll workers improperly denied Asian American voters the right to vote by provisional ballots. Voters were simply turned away in Philadelphia and Upper Darby, PA. We received a busy signal every time we called the Philadelphia County Board of Elections hotline or the Philadelphia City Commissioners' numbers to report an issue. The online poll site locator was also down, preventing our volunteers from assisting voters to look up their correct poll sites.

In Annandale, VA, a voter explained that she had previously applied to change her address online through the Department of Motor Vehicle website, but that information had not been processed. Election officers refused to allow the voter to vote by even a provisional ballot.

Some cities had more systemic problems that undermined HAVA's goal of allowing voters to vote by provisional ballots.

Jurisdictions must comply with HAVA's mandate to provide provisional ballots to voters at poll sites if their names are missing from voting lists. Poll workers also need better training on the rules regarding provisional ballots and how to handle such ballots.

3. Improvements to Provisional Balloting and Updating Voter Lists

Names do not appear on lists of registered voters at poll sites for a variety of reasons. Voters' names may have been entered incorrectly or their registration forms may have been lost or mishandled. These voters were never registered through no fault of their own. Other voters may have been misinformed of their proper poll sites and ended up going to the wrong location. Voters may also have been at the correct sites, but their names were improperly removed from lists.

The accuracy of voter lists needs to be improved. For individuals who voted by provisional ballot, those provisional ballot affirmations can be used to correct voter registration errors and omissions in the database of registered voters. Most of the information on the affirmations, typically written on provisional ballot envelopes, is already used for voter registration. The Carter/Ford National Commission on Federal Election Reform, which laid the groundwork for many of HAVA's provisions, also recommended this solution, and it should be implemented..

Poll workers also inconsistently decided whether voters may cast provisional ballots. Poll workers should always offer provisional ballots if voters believe they are at the correct poll sites. Even if provisional ballots are cast at the wrong poll sites, the ballots should be counted for all the races in which the voters are eligible to vote.

Provisional ballots preserve an individual's vote. Poll workers need better training on the proper administration of provisional ballots. When voters have taken all the necessary steps to register, corrective measures must be put into place to fix errors and omissions.

D. Improper Identification Checks

On Election Day, 249 Asian American voters were required to prove their United States citizenship in order to vote. No state requires proof of citizenship at the poll site. In *Arizona v. Inter Tribal Council of Arizona* AALDEF filed an *amicus* brief in the U.S. Supreme Court, challenging the legality of Arizona's Proposition 200, the state's restrictive voter registration law that required proof of citizenship for voter registration. Although the Supreme Court ultimately struck down Proposition 200, other states have passed or proposed similar laws, including Alabama, Georgia, Kansas, and Tennessee.

HAVA requires identification from a very narrow category of first-time voters. Notwithstanding positive efforts by election officials and community groups to educate the public, as well as poll worker trainings that stressed the specific ID rules, identification was still required of a very large number of minority voters on Election Day.

AALDEF conducted a series of voter rights trainings to review current voter identification laws. AALDEF sought to dispel myths and ensure that ID requirements would not disenfranchise Asian Americans on Election Day.

Nonetheless, many long-time Asian American voters complained that they were improperly asked to provide identification. These voters were not required to show ID under HAVA because they were not voting for the first time.

Asian American Voter Complaints About Identification Checks

In states where ID is not generally required to vote

	DC	NV	MD	CA	NJ	NY	PA	MA
Required to provide ID to vote	25	63	19	35	33	1120	82	58
% of total voters surveyed	28%	19%	5%	19%	17%	27%	32%	10%
% ID not required under HAVA	76%	65%	53%	86%	79%	63%	57%	60%

In states where ID is not generally required, Asian American voters were required to present identification. The vast majority of them were not required to do so under HAVA. AALDEF received complaints and personally observed these improper and sometimes excessive demands for identification from Asian American voters in almost every state.

AALDEF received specific complaints of racial profiling from Asian American voters in multiple states:

In Chinatown, NY, a poll worker asked a Chinese American voter "Are you an American?" and demanded that the voter show identification before voting.

In Flushing, NY a Chinese American voter was asked to present proof of citizenship before voting. The voter noted that he has been asked for proof of citizenship and other forms of identification in the past, despite being a regular voter.

In Bergen County and Hudson County, New Jersey, high percentages of Asian American voters were improperly required to present identification.

In Upper Darby, PA, 21 out of 30 (70%) respondents were not first time voters, yet that were required to provide identification in order to vote.

In Harris County, TX, a South Asian voter was asked for further identification, despite presenting his voter registration certificate. Under Texas law, if voters present their voter registration certificate, they are not required to present any further documentation.

Some states require all voters to provide identification before they can vote. However, we found that while identification checks were applied to Asian American voters, white voters were not required to show ID. Sometimes Asian American voters had to provide additional forms of ID, including proof of U.S. citizenship.

GA: In Gwinnett and Dekalb Counties, seven and three Asian American voters, respectively, were required to prove their citizenship in order to vote. In Georgia, voters who registered on or after January 1, 2010 are required to prove their citizenship at the time of registration, not when they appear to vote on Election Day.

GA: AALDEF received a complaint before Election Day from the Asian American Legal Advocacy Center, Inc. (AALAC) stating that of the 574 voters they had registered, over 50% were not confirmed as registered voters one week before Election Day.

MA: In Boston, 47 voters were required to show identification and 12 voters were required to show proof of citizenship before voting. In Dorchester, a first-time Vietnamese American voter presented both her passport and her naturalization certificate but was not allowed to vote. AALDEF has observed similar requests for proof of citizenship in Massachusetts in prior elections.

MI: 26 voters were required to prove their U.S. citizenship.

NY: 120 voters were required to prove their citizenship before voting and 706 voters were required to show identification even though they were not first-time voters.

NV: 4 voters were required to prove their U.S. citizenship.

PA: In Pennsylvania, five voters in Upper Darby Township and three voters in Philadelphia were required to prove their citizenship when voting. Even though poll workers were permitted to ask all voters for identification in the election, AALDEF observed that the percentage of Asian American voters that were required to show ID was disproportionately higher than that of other groups. We observed this disturbing trend during the 2011 primary election at the Benjamin Franklin House poll site.

VA: 29 voters were required to prove their U.S. citizenship.

These identification checks often were required only of Asian American or language minority voters. Such demands for identification could discourage voters. Poll workers must be better trained on the legal requirements of voting, and when such demands for identification are discriminatory, these poll workers must be removed from their posts.

E. Poll Site Confusion

Inadequate notice of poll sites and misdirection to voting booth lines inside poll sites created much confusion. Voters were often redirected, sometimes incorrectly, to other lines or poll sites, only to be sent back later to their original locations.

In our survey, 105 Asian Americans who voted complained of poll site confusion in trying to vote. (This number does not capture voters who did not vote and appeared at poll sites but were told to go elsewhere to vote.)



In New Orleans, LA, a registered voter, after waiting on line, was eventually told that her name was missing from the voter roll and was directed to vote at another poll site. Upon arriving at the second poll site, she was directed back to the first poll site. Eventually, she tired of traveling back and forth and left without voting. Even though she believed she was a registered voter at the first poll site, she was never informed of her right to vote by provisional ballot.

In Falls Church, VA, the voter went to the poll site listed on his voter ID card. When he arrived at the poll site, he was informed that the information on the card was incorrect and that he had to go to another poll site. The voter reached the second poll site after it had already closed and was therefore unable to vote in the election. An online search on the Electoral Board's website confirmed that the first poll site was in fact, the voter's correct poll site.

In Arlington, VA, a voter had to cast a provisional ballot, although she arrived at the poll site before the 7:00 p.m. closing time. The election officer argued with the voter at the entrance to the poll site, during which time the poll site officially closed. Eventually the police were called and the voter was allowed to vote by provisional ballot.

Voters were misdirected to the wrong voting lines, which exacerbated already long wait times.

In Hamtramck, MI, many voters were confused about their correct precinct and became frustrated after waiting on line for up to 1.5 hours only to find out that they had been waiting on the wrong line. There were no signs posted in clearly visible locations to direct voters and no poll workers were stationed in the lobby to direct voters to their correct precincts.

In some places, more concerted effort is needed to remedy problems.

In Dearborn, MI, there were an insufficient number of pens, ballot folders and voting tables for the number of voters present.

In Detroit, MI, one poll site contained five precincts. The table of one of these precincts was set up at the main entrance, resulting in many voters waiting on line for that precinct, only to find out that they were on the wrong line. Many voters did not know their correct precinct and were frustrated at the lack of information and guidance at the poll site and from the poll workers.

Voters need better notice of their assigned precincts and poll sites. Sometimes better poll site management is needed to more efficiently manage peak turnout times. If voters are at the wrong locations, they should be allowed to cast provisional ballots and have their votes counted for the races in which they are eligible to vote.

IV. RECOMMENDATIONS

Several steps must be taken to address the barriers faced by Asian American voters. AALDEF makes the following recommendations.

A. National Recommendations

- Congress must update the coverage formula of the Voting Rights Act in light of *Shelby County v. Holder*, so that Section 5 preclearance can be implemented as soon as possible.
- Congress should consider legislation to allow universal voter registration, which would alleviate many of the registration problems that Asian American voters encountered.
- Congress should amend HAVA to clarify that voting by provisional ballot can also be used to correct errors and omissions in voters' registrations.
- The U.S. Department of Justice should continue its vigorous enforcement of Section 203 of the Voting Rights Act for Asian language assistance and increase enforcement of Section 208 to ensure that voters can be assisted by persons of their choice.
- The U.S. Department of Justice should more actively enforce full compliance with HAVA, including the proper and nondiscriminatory application of identification requirements, the availability of provisional ballots, and the posting of Voter Bill of Rights signs at poll sites.

B. Local Recommendations

- Language assistance should be provided to limited English proficient voters. There should be translated voter registration forms, voting instructions, and ballots, as well as interpreters and bilingual poll workers at poll sites.
- Poll workers should be reprimanded or removed from their posts if they are hostile or discriminate against Asian American voters, or deny language assistance to voters.
- Voters whose names cannot be found in lists of registered voters located at poll sites must be given provisional ballots. Local election officials should count the ballots of all registered voters when their ballots are cast in their neighborhoods and local districts, even if they were at the wrong poll sites.
- Errors in the registrations of new voters must be corrected so that ballots are not disqualified. Voting by provisional ballot should be used as opportunities to correct such errors.
- Poll workers need better training in election procedures and voters' rights, especially on...

- the requirements for language assistance and the proper use and posting of translated voting materials and signs under Section 203, where applicable;
- voters' rights to be assisted by persons of their choice, who may also accompany voters inside voting booths under Section 208;
- how to properly direct voters to their assigned poll sites and precinct voting booths;
- proper demands for voter identification checks under HAVA; and
- proper administration of provisional ballots under HAVA.

AALDEF will continue to work with national, state, and local legislators, policy makers, and election officials to ensure full compliance with the Voting Rights Act and Help America Vote Act and to guarantee that all Americans can exercise their right to vote.

**Poll Sites Monitored by the AALDEF
November 6, 2012**

State	County	City	Poll Site
CA	San Diego	San Diego	Challenger Middle School
			Garage – White Residence
DC	District of Columbia	District of Columbia	Martin Luther King Jr. Memorial Library
			Trinity A.M.E. Zion Church
FL	Miami-Dade	Miami	West Dade Regional Library
GA	DeKalb	Doraville	Oakcliff Elementary School
	Gwinnett	Norcross	Lucky Shoals Community Center
		Duluth	Hull Middle School
		Suwanee	Full Gospel Atlanta Church
IL	Cook	Glenview	Willowbrook School
			Glen Grove School
LA	Orleans	New Orleans	Mary Queen of Vietnam Church
			Engine House #37
			Sarah Reed High School
MA	Suffolk	Boston	Metropolitan Community Room
			Catherine F. Clark Apartments
			Dr. William Henderson Inclusion Elementary School
			Cathedral High School
	Middlesex	Malden	Beebe School
Norfolk	Quincy	North Quincy High School	
MD	Montgomery	Rockville	Richard Montgomery High School
			St. Elizabeth Catholic School
		Silver Spring	Westover Elementary School
			White Oak Middle School
MI	Washtenaw	Ann Arbor	Clague Middle School
	Wayne	Canton	Summit on the Park
		Hamtramck	Hamtramck Community Center
		Dearborn	Salina Elementary School
		Detroit	Transfiguration Church
	Kent	Gaines	Gaines Township Office
	Oakland	Novi	Novi Public Library
Troy		First United Methodist Church	
NJ	Bergen	Fort Lee	Senior Citizens Activities Center
		Palisades Park	Palisades Park Junior and Senior High School
	Hudson	Jersey City	Brunswick Towers Fire House
NV	Clark	Las Vegas	Seafood City
			Boulevard Mall
			Chinatown Plaza

NY	Kings	Brooklyn	PS 217
			PS 230
			PS 314
			PS 94
	New York	Manhattan	Confucius Plaza
			PS 131
			PS 126
	Queens	Queens	PS 234
			Newtown High School
			Benjamin N. Cardozo High School
			PS 115
			PS 20 John Bowne
			JHS 189
			Rosenthal Senior Center
			St Andrews School
			PS 69
IS 230			
Thomas A. Edison HS			
PS 62			
PS 150			
PA	Delaware	Upper Darby	69 th Street Alliance Church
	Philadelphia	Philadelphia	Thomas Jefferson Alumni Hall
			Chinese Church & Christian Center
			James R. Lowell Elementary School
			South Philadelphia Branch Library
TX	Fort Bend	Sugar Land	Barrington Place Homeowners Association
			Sartartia Middle School
	Harris	Houston	Chambers Elementary School
			Sharpstown Middle School
			Margaret Collins Elementary School
			Chancellor Elementary School
			Alief Middle School
Houston Community College Alief Center			
VA	Arlington	Arlington	Fire Station #10
	Chesterfield	Midlothian	Midlothian High School
	Fairfax	Annandale	Annandale Fire Station Co., #8
		Centreville	Powell Elementary School
		Fairfax	Baileys Elementary School
			Mosby Woods Elementary School
	Henrico	Glen Allen	Deep Run High School
	Princess Anne	Virginia Beach	Kempsville Presbyterian Church
Salem High School			

The following groups helped mobilize over 850 volunteers to conduct the nation's largest Asian American exit poll survey and election monitoring program.

National Co-Sponsors

Alliance of South Asian American Labor
Asian Pacific American Labor Alliance
APIAVote
Common Cause
Lawyers' Committee for Civil Rights Under Law
National Asian Pacific American Bar Association
National Coalition for Asian Pacific American Community Development
National Korean American Service & Education Consortium
National Queer Asian Pacific Islander Alliance
North American South Asian Bar Association
OCA Asian Pacific American Advocates
South Asian Americans Leading Together

Local Chapters

APALA – Nevada
APIA Vote – Michigan
NAAAP – New York
NAAAP – Philadelphia
NAPAWF – DC
NAPAWF – New York City
OCA: Georgia
OCA: Greater Houston
OCA: South Florida

Local Co-Sponsors

ACCESS – MI
Asian American Federation of Florida
Asian American Society of Central Virginia
Boat People SOS Delaware Valley – PA
CAAAP – NY
Cambodian Association of Greater Philadelphia – PA
Center for Pan Asian Community Services – GA
Chhaya CDC - NY
Chinese-American Planning Council – NY
Chinese Community Federation of Atlanta – GA
Chinese Progressive Association – MA
Coalition of Asian Pacific Americans of Virginia
East Coast Asian American Student Union
Gay Asian and Pacific Islander Men of New York
Hunter College/CUNY, Asian American Studies Program – NY
Korean American Civic Empowerment of NY/NJ
Korean American Resource and Cultural Center - IL
MinKwon Center for Community Action – NY
NANAY – FL
Pace University, ACE House – NY
Pennsylvania Immigration and Citizenship Coalition
Philadelphia Chinatown Development Corporation – PA
Princeton Asian American Students Association – NJ
Q-WAVE – NY
South Asian Lesbian & Gay Association of New York
University of California, San Diego, Lambda Phi Epsilon
University of Maryland, College Park, Asian American Studies Program

University of Massachusetts Boston, Asian American Studies Program
Vietnamese American Young Leaders Association of New Orleans – LA

Law Firm Co-Sponsors

Alston & Bird LLP
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Skadden, Arps, Slate, Meagher & Flom LLP
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Legal Co-Sponsors

Asian American Bar Association of Houston
Asian American Bar Association of New York
Asian American Lawyers Association of Massachusetts
Asian American Legal Advocacy Center of Georgia
Asian Bar Association of Las Vegas – NV
Asian Pacific American Bar Association of Washington, DC
Asian Pacific American Bar Association of Pennsylvania
Asian Pacific American Bar Association of South Florida
Asian Pacific American Lawyers Assoc. of New Jersey
Asian Pacific American Legal Resource Center – DC
Filipino American Legal Defense & Education Fund – NY
Georgia Asian Pacific American Bar Association
Greater Boston Legal Services: Asian Outreach Unit – MA
Korean Amer. Bar Assoc. of the Washington DC Area
Korean American Lawyers Association of Greater NY
Louisiana Asian Pacific American Bar Association
Muslim American Bar Association of New York
Pace Law School, Public Interest Law Center – NY
Rutgers School of Law-Newark, APALSA - NJ
South Asian Bar Association of New York
South Asian Bar Association of Washington, DC
Suffolk U. Law School, Rappaport Center for Law and Public Service – MA
University of Pennsylvania School of Law, Public Interest Office
and Asian Pacific American Law Student Association chapters across the country.

ENDNOTES

¹ U.S. CENSUS BUREAU, OVERVIEW OF RACE AND HISPANIC ORIGIN: 2010, at 7 (2011), *available at* <http://www.census.gov/prod/cen2010/briefs/c2010br-02.pdf>.

² The eleven Asian languages were: Arabic, Bengali, Chinese, Gujarati, Hindi, Khmer, Korean, Punjabi, Tagalog, Urdu, and Vietnamese. Volunteers were conversant in thirty-two (32) Asian languages and dialects: Chinese dialects (Cantonese, Fujianese, Mandarin, Shanghainese, Sichuanese, Taiwanese, Teochew, Toisan, Wenzhounese), South Asian languages (Bengali, Farsi, Gujarati, Hindi, Kannada, Malayalam, Marathi, Nepali, Punjabi, Tamil, Telugu, Urdu), Southeast Asian languages (Burmese, Hmong, Indonesian, Khmer, Thai, Vietnamese), Filipino dialects (Ilonggo, Tagalog), Arabic, Japanese, and Korean.

³ Asian American Legal Defense and Education Fund, *Asian American Access to Democracy in the 2004 Elections* (2004), *available at* www.aaldef.org/docs/AALDEF-AA-Access-to-Democracy-2004.pdf.

⁴ *Reynolds v. Sims*, 377 U.S. 533, 561-62 (1964).

⁵ Senate Comm. on the Judiciary Report, July 2, 1992, Voting Rights Act Lang. Assist. Amends. of 1992, Report 102-315, Calendar No. 537, 102nd Congress, 2d Session, at 4.

⁶ Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006, Pub. L. No. 109-246, 120 Stat. 577 (2006).

⁷ Voting Rights Act of 1965, Section 203, 42 U.S.C. Sec. 1973aa-1a (amended 2006).

⁸ Hearing of the House Subcomm. on the Constitution, House Judiciary Committee, on the Voting Rights Act: Section 203--Bilingual Election Requirements (Part I), 109th Cong. 35-38 (Nov. 8, 2005) (statement of Margaret Fung, Exec. Dir., AALDEF).

⁹ 42 U.S.C. Sec. 1973aa-1a (b) (2) (A), as amended by Section 8 of Pub. L. No. 109-246, 120 Stat. 577 (2006).

¹⁰ The eight Asian language groups are: Chinese, Korean, Vietnamese, Filipino, Bangladeshi, Japanese, "Asian Indian" (which has been designated as Bengali in Queens County, New York and as Hindi in Cook County, Illinois and Los Angeles County, California) and "Other" (which has been designated as Thai in Los Angeles County, California). 76 Fed. Reg. No. 198, 63602-63607 (October 13, 2011) (Notices).

¹¹ Voting Rights Act of 1965, Section 208, 42 U.S.C. Sec. 1973aa-6.

¹² Voting Rights Act of 1965, Section 2, 42 U.S.C. Sec. 1973.

¹³ *United States v. City of Hamtramck*, Civ. Action No. 00-73541 (E.D. Mich. 2000); *United States v. City of Boston*, Civ. Action No. 05-11598 (D. Mass. 2005).

¹⁴ Voting Rights Act of 1965, Section 5, 42 U.S.C. Sec. 1973(c)(a).

¹⁵ *Shelby County v. Holder*, 133 S. Ct. 1236 (2013).

¹⁶ *Shelby County v. Holder*, 133 S. Ct. 1236 (2013).

¹⁷ HAVA Section 302 (a), (b); (a), (b) (2); (b) (2) (2).

¹⁸ HAVA Section 301 (a) (5).

¹⁹ HAVA Section 101 (b) (1) (G).

²⁰ 42 U.S.C. § 1973gg (1993), also known as The Motor Voter Act.

²¹ Hearing of the House Subcomm. on Civil and Constitutional Rights, House Judiciary Committee, on the Lang. Assist. Provis. of the Voting Rights Act, S. 2236, 102 Cong. Rec. at 12 (Apr. 1, 1992) (statement of Margaret Fung, Exec. Dir., AALDEF); Senate Report 102-315, Calendar No. 537 July 2, 1992, at 12.

²² For more detailed information about exit poll findings, see AALDEF, *The Asian American Vote 2004: A Report on the Multilingual Exit Poll in the 2004 Presidential Election*.

²³ Hearing of the Senate Judiciary Committee on the Continuing Need for Section 203's Provisions for Limited English Voters, 109th Cong. (June 13, 2006) (statement of Margaret Fung, Exec. Dir., AALDEF).

²⁴ Cities and poll sites with large concentrations of Asian American voters were selected based on voter files, census data and interviews with local election officials and community leaders. Sites with a history of voting problems were also selected.

²⁵ The survey questionnaire was written in 11 Asian languages: Chinese, Korean, Japanese, Vietnamese, Khmer, Tagalog, Urdu, Bengali, Punjabi, Gujarati, and Arabic, in addition to English. Volunteers were conversant in 41 Asian languages and dialects.

²⁶ For more detailed information, see <http://www.aaldef.org/docs/AALDEF-AA-Access-to-Democracy-2008.pdf>

²⁷ <http://aaldef.org/press-releases/press-release/aaldef-complaint-to-doj-voting-rights-violations-in-queens-city-council-district.html>, AALDEF's letter to the Department of Justice available at: <http://aaldef.org/AALDEF%20Letter%20to%20DOJ%20Re%20Racial%20Discrimination%20Against%20Asian%20Americans%20in%20NYC%20Council%20Race%202009.pdf>

²⁸ <http://aaldef.org/press-releases/press-release/aaldef-to-monitor-asian-american-voting-access-and-conduct-exit-polls-in-philadelphia-boston-and-qui.html>

²⁹ Cities and poll sites with large concentrations of Asian American voters were selected based on voter files, census data and interviews with local election officials and community leaders. Sites with a history of voting problems were also selected.

³⁰ The determination of states was based on the size of the Asian American populations, the interest of local groups to co-sponsor the project, and capacity to mobilize the requisite number of volunteers.

³¹ The survey questionnaire was written in 11 Asian languages: Chinese, Korean, Japanese, Vietnamese, Khmer, Tagalog, Urdu, Bengali, Punjabi, Gujarati, and Arabic, in addition to English. Volunteers were conversant in 41 Asian languages and dialects.

³² These cities, with the exception of Philadelphia, were selected because they were required under Section 203 of the Voting Rights Act to provide language assistance in an Asian language after the Census Bureau's October 13, 2011 announcement. Philadelphia agreed to voluntarily provide Asian language assistance in connection with *U.S. v. Philadelphia*, Civ. Action No. 06-4592 (E.D. Pa. 2007).

³³ Section 5 Objection Letter to Kathy King, General Counsel, New York City Board of Elections, from Deval L. Patrick, Assistant Attorney General, U.S. Department of Justice, Civil Rights Division (May 13, 1994).

³⁴ *U.S. v. Philadelphia*, No. 2:06cv4592, 2006 WL 3922115 (E.D. Pa. Nov. 7, 2006).

³⁵ The U.S. Supreme Court struck down the coverage formula for Section 5 preclearance, Section 4(b) of the Voting Rights Act, in a 5-4 decision. 570 US ____ (2013).

³⁶ Civ. No. 1:13-CV-03732 (E.D.N.Y. 2013).

³⁷ The U.S. Supreme Court struck down Arizona's Proposition 200, the state's restrictive voter registration law, in a 7-2 decision. 133 S.Ct. 2247 (2013)

³⁸ A preliminary injunction was issued on October 2, 2012, blocking the voter ID law from going into effect for the November 2012 election for voters casting ballots in person. That injunction was extended to cover the May 2013 primary. Preliminary Injunction Order, No. 330 M.D. 2012, Commonwealth Court of Pennsylvania (Oct. 2, 2012). The trial for a permanent injunction began Monday, July 15, 2013.

³⁹ Following a trial in January 2012, the three-judge district court in Washington, DC denied Section 5 preclearance on August 28, 2012 in a lengthy and mostly unanimous opinion. The court found that the congressional and state redistricting plan both had a retrogressive effect and a racially discriminatory purpose. *Texas v. US*, Civ. No. 11-1303, (DDC Aug. 28, 2012).

⁴⁰ 11 CV5632 (E.D.N.Y. Dec. 27, 2011). AALDEF submitted the Unity Map, its redistricting plan to protect the voting rights of Asian Americans and other communities of color, to the Special Master, including detailed neighborhood maps, ethnic data, and communities of interest surveys.

⁴¹ <http://aaldef.org/press-releases/press-release/aaldef-complaint-to-doj-voting-rights-violations-in-queens-city-council-district.html>, AALDEF's letter to the Department of Justice available at: <http://aaldef.org/AALDEF%20Letter%20to%20DOJ%20Re%20Racial%20Discrimination%20Against%20Asian%20Americans%20in%20NYC%20Council%20Race%202009.pdf>

⁴² Other surveys, including the census, phrase questions on educational attainment without making distinctions between the education completed abroad and the education acquired in the U.S. The percentages presented in this report reflect educational attainment only in the U.S.

⁴³ Limited English proficiency is determined by one's ability to read English less than "very well." U.S. Census Bureau, Census 2000 Summary File 3, Table PCT62D: "Age by Language Spoken at Home by Ability to Speak English for the Population 5 Years and Over" (2001); H.R. Rep. No. 102-655, at 7 (1992), as reprinted in 1992 U.S.C.C.A.N. 766, 771.

⁴⁴ Civ. Action No. 06-4592 (E.D. Pa. 2007).