



# VOICES OF DEMOCRACY: ASIAN AMERICANS AND LANGUAGE ACCESS DURING THE 2012 ELECTIONS



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About Asian Americans Advancing Justice: In summer of 2013, the members of Asian American Center for Advancing Justice (Asian American Institute in Chicago, Asian American Justice Center in DC, Asian Law Caucus in San Francisco and Asian Pacific American Legal Center in Los Angeles) launched Asian Americans Advancing Justice to serve our communities better and become as effective as possible in addressing the human and civil rights issues faced by Asian Americans and other vulnerable and underserved communities.

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## EXECUTIVE SUMMARY

Voting, a fundamental right guaranteed to American citizens, is one of the foundations of our society. It is an important tool we have to influence government policies that affect every aspect of our lives—from taxes, to education, to health care. Voting creates change and holds the government accountable to its people. Voting is power.

Some Americans, however, have more difficulty exercising the franchise than others. For anyone not fluent in English, including those recently naturalized, this can be a serious barrier to voting. Voting can be a complicated process for even native-English speakers, so one can imagine how hard it is for those who cannot understand the variety of forms, instructions and procedures necessary to register and cast a ballot.

The language barrier is particularly problematic for Asian Americans—almost 60 percent of whom are born outside of the United States and speak dozens of languages and dialects. Nearly three out of four Asian Americans speak a language other than English at home. Almost one-third of Asian Americans do not speak or read English very well (limited-English proficient or LEP)<sup>1</sup>, and among Asian Americans old enough to vote, that figure rises to 44 percent. Largely because of language barriers, Asian Americans lag behind whites in voter registration and turnout by almost 20 percent.

The Voting Rights Act, specifically Section 203, aims to remove the language barrier. Enacted by Congress in 1975, Section 203 requires certain jurisdictions to provide assistance to language-minority voters. Language assistance includes translated materials, such as ballots and registration forms, access to multilingual workers/volunteers at polling sites and publicity of the availability of these resources. Which jurisdictions must provide this help is determined every five years by a formula based on the size of the populations covered under Section 203, their English abilities and their literacy rates in a particular location.

In theory, Section 203 provides citizens not yet fluent in English the opportunity to participate effectively in our democracy. In practice, however, this promise is not entirely fulfilled due to varying degrees of compliance by jurisdictions. Because of this history of noncompliance, and because additional jurisdictions are now subject to Section 203, Asian Americans Advancing Justice (Advancing Justice) and our local partners worked to improve the quality and effectiveness of language assistance for the 2012 elections. We engaged election officials, provided community education and conducted poll monitoring on Election Day in fifteen jurisdictions across eight states.

Although most jurisdictions attempted to adequately comply on Election Day, a number of common problems—including the following—occurred across many jurisdictions:

### Problems with Translated Materials

- Low visibility or no display of translated materials at almost half of all poll sites monitored;
- Lack of poll worker awareness about the availability of translated materials; and
- Unwillingness to display translated materials.

### Lack of Adequate Notice of Assistance Availability

- Inadequate translated directional signs outside to guide voters to polling sites; and
- Poor or no display of “we speak” or “we can assist you” signs indicating language assistance.

### Problems with Bilingual Assistance

- Lack of bilingual poll workers in many of the jurisdictions monitored;
- Lack of identification of bilingual poll workers at 43 percent of polling sites monitored; and
- Failure of poll workers to proactively approach voters needing language assistance.

<sup>1</sup> The Census Bureau defines LEP as speaking English “less than very well.” LEP individuals experience some difficulty communicating in English.

### Other Voting Issues

- Poll workers lacking knowledge about language assistance and other voting laws, such as whether voters must present photo identification.

Despite the problems seen on Election Day, a number of best practices emerged that should serve as models for other jurisdictions. These best practices build upon the recommendations in Advancing Justice's "Suggested Implementation Checklist for Jurisdictions Covered by Section 203 of Voting Rights Act" (*See Appendix D*) and lay out a blue print for language assistance in future elections:

#### Ensure Translated Materials Are Available, Accessible and Effective

- Provide translated provisional ballots;
- Transliterate candidate names to ensure that LEP voters are accurately and confidently voting for their candidates of choice; and
- Provide translated materials, information and request forms online.

#### Ensure Availability of Sufficient Numbers of Bilingual Poll Workers

- Conduct an assessment of languages with high rates of missing bilingual poll workers so that election officials can better target recruitment efforts for those languages;
- Form intergovernmental, community and school partnerships for bilingual poll worker recruitment; and
- Increase the bilingual poll worker reserve pool.

#### Facilitate the Flow of Voters at Poll Sites on Election Day

- Evaluate the layout of polling sites to avoid bottlenecks;
- Provide and prominently display signs that indicate the availability of language assistance;
- Provide precincts with large tri-fold standing bulletin boards to display translated materials; and
- Troubleshoot and prepare for contingencies on Election Day.

#### Refine Poll Worker Training to Improve Language Assistance at Poll Sites

- Ensure adequate training of poll workers on the importance of displaying translated materials and signs;
- Train poll workers to wear badges indicating language ability at all times, proactively approach voters and be sensitive to the needs of voters needing language assistance; and
- Ensure poll workers understand applicable voting laws, including Section 208 of the Voting Rights Act,<sup>2</sup> their jurisdictions' identification requirements and provisional voting protocols.

Additionally, for jurisdictions that have newly covered Asian languages, we recommend the following:

#### Plan Early and Conduct Research to Understand Requirements and Community

- Contact other jurisdictions that cover the same language and adopt their best practices; and
- Create a strategic plan with specific timelines that focuses on community awareness, quality of translated materials and quality and quantity of bilingual poll workers.

#### Enlist External Assistance to Further Refine Plans and Understanding of Community

- Create a formal advisory committee consisting of community organizations working with the newly covered community to:
  - Discuss and commit resources to implementing language needs;
  - Acquire an understanding of where the LEP voters in that jurisdiction live;
  - Obtain a list of ethnic media in order to publicize the availability of language assistance;
  - Obtain a list of potential outreach workers to hire;
  - Review translations; and
  - Assist with bilingual poll worker recruitment.

#### Ensure Capacity and Proper Timing to Help Achieve Section 203 Compliance

- Hire outreach staff early; and
- Translate materials early so that newly covered languages can be incorporated into voting materials.

Proper implementation of Section 203 is critical to Asian Americans' full participation in our democracy. When done right, voter registration and turnout increase for Section 203-covered communities. For example, voter registration among Filipino Americans rose by more than 20 percent in San Diego County, California, after the Department of Justice (DOJ) sued the county to mandate compliance. Similarly, in Harris County, Texas, the turnout among eligible Vietnamese American voters doubled following DOJ's efforts. Election Day surveys confirm that language assistance is important for certain Asian American voters. For example, significant numbers of Asian American voters in Los Angeles County, California, utilized language assistance during the 2008 presidential election.

This report is intended as a resource for election officials and community advocates. Of particular note for both are: 1) Section VII: Best Practices and Recommendations; 2) Appendix D: Suggested Implementation Checklist for Jurisdictions Covered by Section 203 of the Voting Rights Act; and 3) Section III: Overview of Advancing Justice's Section 203 Project (and Appendix B), which provides a framework for community organizations interested in engaging in Section 203 implementation advocacy.

<sup>2</sup> Section 208 applies to citizens who cannot vote because of disability, blindness or illiteracy. Under Section 208, these voters can bring whomever they choose into the voting booth, as long as that person is not a representative of their employer or union.

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## BACKGROUND

### A. The Asian American Electorate and Language Barriers

At almost 18 million in number, Asian Americans are not only the fastest growing racial group in the United States,<sup>3</sup> they are also one of the most rapidly growing segments of the American electorate. Between 1996 and 2008, Asian Americans' share of the electorate increased by 128 percent.<sup>4</sup> Although states such as California, New York and Texas continue to have the highest overall number of Asian Americans, the states with the fastest growth rates over the last decade are Arizona, Nevada and North Carolina. Texas, Virginia and Washington are also within the top fifteen states for Asian American population growth.<sup>5</sup>

According to the Census Bureau's American Community Survey, approximately one-third of Asian Americans are LEP and experience some difficulty communicating in English, compared to nine percent of the overall population.<sup>6</sup> LEP rates vary by ethnic group—more than half of Vietnamese Americans and nearly half of Bangladeshi Americans are LEP. More than 40 percent of Cambodian, Chinese, Hmong, Korean, Laotian and Taiwanese Americans are LEP and have some difficulty with English. Even among groups with higher rates of English proficiency, such as Japanese and Filipino Americans, nearly one in five is LEP.<sup>7</sup>

Voters who have difficulty speaking or reading English often experience significant barriers when confronted by the elections process and in exercising their right to vote. Poll workers (which can include poll inspectors,

election judges, clerks and equipment managers) may not understand the needs of LEP voters or may even deny voters the right to bring an assistant into the polling booth (which is protected under Section 208 of the Voting Rights Act). Although many LEP voters understand the importance of and take great pride in voting, a variety of language-related barriers, such as a lack of translated materials and/or in-language oral assistance, can discourage their participation in the democratic process.

### B. Section 203 of the Voting Rights Act

Recognizing the link between language barriers and low voter turnout in 1975, Congress expanded the Voting Rights Act by adding language assistance provisions. Section 203 protects the voting rights of Latinos, Asian Americans, American Indians and Alaska Natives by requiring language assistance in certain jurisdictions. Which jurisdictions are covered is determined by the Census Bureau every five years, based upon the following formula set out in the Voting Rights Act:

**A jurisdiction is covered under Section 203 where the number of United States citizens of voting age of a single language group within the jurisdiction:**

- *Is more than 10,000, or is more than five percent of all voting age citizens in the jurisdiction (or on an Indian reservation, exceeds five percent of all reservation residents); and*
- *The illiteracy rate of the group is higher than the national illiteracy rate.*

<sup>3</sup> Asian American Center for Advancing Justice, A Community of Contrasts: Asian Americans in the United States, 2011, (Los Angeles, 2011) 7, [http://www.advancingjustice.org/pdf/Community\\_of\\_Contrast.pdf](http://www.advancingjustice.org/pdf/Community_of_Contrast.pdf).

<sup>4</sup> Asian American Legal Defense and Education Fund, National Coalition for Asian Pacific American Community Development and Latino Decisions, November 7, 2008; 2012 Asian American Election Eve Poll Results.

<sup>5</sup> Asian American Center for Advancing Justice, A Community of Contrasts, Asian Americans in the United States: 2011, 8.

<sup>6</sup> *Ibid.*, 27.

<sup>7</sup> *Ibid.*, 28.

Section 203 requires that when a covered jurisdiction provides registration or voting notices, ballots, forms, instructions, assistance, or other materials related to the electoral process, it must do so in the language of the applicable minority group. Jurisdictions can target where they provide language assistance to those precincts that have the actual need for the covered community.

In 2011, the Census Bureau released an updated list of Section 203 jurisdictions based upon 2005-2009 American Community Survey data. Prior to 2011, seven states contained Section 203 jurisdictions for one or more language groups in the Asian American population<sup>8</sup> and twenty-seven Asian American communities throughout the United States were covered.<sup>9</sup> Now, parts of Massachusetts, Michigan, Nevada and New Jersey are also covered and a total of forty-three Asian American communities in twenty-two jurisdictions are covered for Asian languages under Section 203.<sup>10</sup> Seven Asian ethnic groups are covered: Asian Indian, Bangladeshi, Chinese, Filipino, Japanese, Korean and Vietnamese. Section 203 also covers an additional, unspecified Asian American ethnic group in Los Angeles. To implement this requirement, Los Angeles County determined that it would provide language assistance to both Cambodian and Thai American voters.

## C. Importance of Language Assistance

When implemented effectively, Section 203 has increased the voter registration and turnout among language minorities.<sup>11</sup> For example, after entering into a formal agreement with DOJ in 2004, Harris County, Texas, doubled its turnout rate among Vietnamese American voters, which resulted in the first election of a Vietnamese American candidate to the state Legislature.<sup>12</sup>

Similarly, in San Diego County, California, voter registration among Latinos and Filipino Americans rose by more than 20 percent after DOJ resolved its lawsuit with the county in 2004. Vietnamese registration also increased by 40 percent after the county voluntarily added Vietnamese to its list of languages in which it would provide assistance as a result of the lawsuit.<sup>13</sup>

Election Day surveys confirm that language assistance is important to Asian American voters from various ethnic communities. For example, 30 percent of Chinese Americans, 33 percent of Filipino Americans, 50 percent of Vietnamese Americans and 60 percent of Korean Americans in Los Angeles County used some form of language assistance in the 2008 presidential election.<sup>14</sup> More than 60 percent of Vietnamese voters surveyed in Orange County for the 2004 presidential election used language assistance to vote.<sup>15</sup>

## D. Section 208 of the Voting Rights Act

Section 208 applies to citizens who are unable to effectively participate in the voting process because of disability, blindness or inability to read or write. Under Section 208, voters may receive assistance in the voting booth from a person of the voter's choice, other than the voter's employer or agent of the employer or officer or agent of the voter's union. Thus, all voters who experience difficulty with English can receive assistance in their primary language under Section 208.

Unfortunately, poll worker unfamiliarity with Section 208 creates another potential barrier for LEP voters at the polling site. When LEP voters attempt to bring a helper to assist them in the polling booth, they are often met with resistance. If poll workers are not thoroughly trained on Section 208, they may look upon these instances with suspicion and attempt to stop the helper from entering into the booth with the voter.

<sup>8</sup> Prior to 2011, the seven states containing Section 203 jurisdictions in Asian American languages were Alaska, California, Hawai'i, Illinois, New York, Texas and Washington.

<sup>9</sup> The breakdown for Asian ethnic groups was: Chinese American populations in twelve jurisdictions; Filipino American populations in six; Vietnamese American populations in four; Korean American populations in three; and Japanese American populations in two.

<sup>10</sup> The breakdown for Asian ethnic groups was: Chinese American populations in sixteen jurisdictions; Filipino American populations in nine; Vietnamese American populations in seven; Korean American populations in four; Indian American populations in three; Japanese American populations in two; Bangladeshi American populations in one; and an unspecified Asian American population in one.

<sup>11</sup> H.R. REP. NO. 109-478, at 18-19. The House Committee report notes that the number of registered Latino voters grew from 7.6 million in 2000 to 9 million in 2004, and, in certain cases, Native American voter turnout increased by more than 50 percent to 150 percent. *Ibid*, at 19-20. From Statement of Karen Narasaki, Asian American Justice Center, September 24, 2008.

<sup>12</sup> *Ibid*, at 19. From Statement of Karen Narasaki, Asian American Justice Center, September 24, 2008.

<sup>13</sup> Alberto R. Gonzales, U.S. Attorney General, Prepared Remarks at the Anniversary of the Voting Rights Act, Lyndon B. Johnson Presidential Library, Austin, Texas, August 2, 2005. From Statement of Karen Narasaki, Asian American Justice Center, September 24, 2008.

<sup>14</sup> Asian Pacific American Legal Center, Asian Americans and the Ballot Box: The 2008 General Election in Los Angeles County, Los Angeles, 2011, 24, [http://apalc.org/sites/default/files/APALC\\_BallotBox\\_LA2008\\_FINAL.pdf](http://apalc.org/sites/default/files/APALC_BallotBox_LA2008_FINAL.pdf).

<sup>15</sup> Asian Pacific American Legal Center, Asian Americans and the Ballot Box: The 2004 General Election - Growing Voter Participation in Southern California, Los Angeles, 2011, 18.



## OVERVIEW OF ADVANCING JUSTICE'S SECTION 203 PROJECT

For the 2012 elections, Advancing Justice carried out a nationwide effort to ensure compliance with Section 203, with a particular focus on jurisdictions that had new language requirements as a result of the Census Bureau's 2011 Section 203 determination. This effort was carried out by the four Advancing Justice affiliates: Asian Americans Advancing Justice-Los Angeles (Advancing Justice-Los Angeles); Asian Americans Advancing Justice-Chicago (Advancing Justice-Chicago); Asian Americans Advancing Justice-Asian Law Caucus (Advancing Justice-ALC); and Asian Americans Advancing Justice-AAJC (Advancing Justice-AAJC). Advancing Justice worked with the following local community partners: the Asian American Civic Association (ACA); Asian Law Alliance (ALA), Asian Pacific American Labor Alliance-Nevada (APALA-NV), Asian & Pacific Islander American Vote-Michigan (APIAVote-Michigan), Asian Resources Inc. (ARI), Korean Americans for Civic Empowerment (KACE), OneAmerica, Outreach Strategists, LLC and Southwest Center for Asian Pacific American Law (SCAPAL) (*see Appendix A*

*for organizational profiles and locations*). In numerous instances, Advancing Justice local partners also worked with other community organizations to implement the Section 203 project.<sup>16</sup>

Advancing Justice and its local partners in the eight selected states conducted Section 203 advocacy through Election Day using a three-pronged approach:

### 1. Engage election officials<sup>17</sup>

- Provide guidance on precincts to target for bilingual poll worker placement;
- Participate in community advisory committees; and
- Review translation quality.

### 2. Community outreach and education

- Recruit bilingual poll workers;
- Organize community events; and
- Utilize ethnic media.

<sup>16</sup> A number of community organizations also provided support for the poll monitoring efforts. In the Bay Area, Advancing Justice-ALC worked with the Asian American Bar Association of the Greater Bay Area, Asian Pacific American Community Center, Cameron House, Chinese for Affirmative Action, Family Bridges, Filipino Advocates for Justice, Lao Family Community Development, and Pilipino Bayanihan Resource Center.

In Los Angeles County, Advancing Justice-Los Angeles worked with Asian Pacific Policy & Planning Council, Asian Pacific American Bar Association of Los Angeles County, Asian Youth Center, Center for Asian Americans United for Self Empowerment, Filipino American Service Group, Inc., Guam Communications Network, Koreatown Immigrant Workers Alliance, Search to Involve Pilipino Americans, South Asian Bar Association of Southern California, South Asian Network, and Thai Community Development Corporation. In addition, Advancing Justice-Los Angeles received support from professors and students at Loyola Asian Pacific American Law Students Association, Cal State LA, CSULB, Occidental College, Pasadena Community College, Pitzer College, UCLA, UCLA Asian Pacific Islander Law Students Association, and USC Asian Pacific American Law Students Association.

In Orange County, Advancing Justice-Los Angeles worked with Orange County Asian & Pacific Islander Community Alliance (OCAPICA) and the South Asian Bar Association of Southern California. In addition, Advancing Justice-Los Angeles received support from professors and students at CSU Fullerton, CSU Long Beach, UC Irvine, UC Irvine Asian Pacific American Law Students Association, and Western State College of Law Asian Pacific American Law Students Association.

In Cook County, Advancing Justice-Chicago worked with the South Asian American Policy & Research Institute, Indian-American Bar Association of Chicago, Asian American Bar Association of Greater Chicago, Korean American Bar Association of Chicago, Indo-American Center, Apna Ghar, Inc., Hamdard Center, the Chicago chapter of the Council on American-Islamic Relations (CAIR-Chicago), Punjabi Cultural Society of Chicago, Jain Society of Metropolitan Chicago, Indian Community of Skokie, and the Chinese American Service League.

<sup>17</sup> "Election officials" refers to the officials and staff of the government entity responsible for running the election for a covered jurisdiction; it can include registrar of voters, county clerks and boards of election commissioners, etc.



### 3. Poll monitoring

- Conduct a nationwide poll monitoring effort to gauge Section 203 compliance across seven states on November 6, 2012;<sup>18</sup> and
- Participate in post-election advocacy with election officials to recommend changes based on their election monitoring.

See Appendix B for a flowchart on how Section 203 advocacy can be conducted.

The following section provides details and selected examples of our work in the aforementioned three areas to help provide a framework for other community groups who wish to engage in Section 203 implementation advocacy.

## A. Engage Election Officials

Successful implementation of Section 203 begins with pre-election planning. It is important that election officials work with community members to ensure that their Section 203 plan works for the local community. To that end, we held meetings, participated in community advisory committees, reviewed materials and otherwise helped election officials plan so that adequate language assistance was available on Election Day.

### 1. Advisory Committees

Local partners served on and suggested members for community advisory committees. These committees reviewed the quality of translated election materials, formulated voter education and outreach plans, and worked with officials to troubleshoot issues leading up to and following the elections. These committees primarily consisted of local community organizations that had expertise on and reach in the Asian language group covered in a particular Section 203 jurisdiction.

Almost every jurisdiction noted in this report convened at least one advisory committee, although effective utilization varied by jurisdiction. For jurisdictions with newly covered languages, advisory committees met with election officials early in 2012 to discuss plans for translating materials, recruiting bilingual poll workers and educating voters of newly covered languages. Although formal advisory committees organized by election officials are ideal, local groups (such as seen in King County, Washington) can create their own informal advisory committees to help supplement, or serve as a stepping stone to the eventual establishment of, a formal advisory committee.

## ADVANCING JUSTICE STORIES

In **Clark County, Nevada**, *APALA-NV* formed the Filipino American Voters Outreach Advisory Committee and met bi-weekly with the Clark County Board of Elections. Sub-committees were created to conduct community outreach and education, recruit bilingual poll workers, facilitate connections with the Filipino American community and review translations of written materials.

In **King County, Washington**, *OneAmerica* leveraged its work with existing coalitions and coordinated with allies to prioritize Section 203 outreach efforts and create an informal advisory committee to King County Elections, composed of Chinese and Vietnamese American community leaders and organizations. *OneAmerica* met with the King County Elections director in early June to review the county's Section 203 implementation plan and develop a partnership. They discussed issues including poll monitoring at accessible voting centers (Washington is vote-by-mail) and reviewed current training materials for poll workers on Section 203 implementation. *OneAmerica* and its advisory committee also worked with the King County Elections outreach coordinator.

In **San Diego County, California**, *SCAPAL* was active in getting Chinese American community members to serve on the San Diego County Registrar's Chinese Language Advisory Committee. Starting with its initial meeting in late 2011, the committee focused on translation issues and community outreach. *SCAPAL* conducted outreach to Chinese American community members to identify qualified candidates for the Registrar's new Chinese-language coordinator position. Prior to the June and November elections, *SCAPAL* met with the Registrar's Chinese, Filipino, Spanish and Vietnamese language coordinators on several occasions to discuss their plans for bilingual poll worker recruitment.

<sup>18</sup> Poll monitoring on Election Day was not conducted in Nevada; rather, the Nevada chapter of APALA, AFL-CIO, worked with its local election officials to ensure compliance and educated community members about the availability of assistance in Tagalog. APALA-NV worked with the AFL-CIO to help protect the vote, including serving as election-protection coordinators and helping its volunteers get placed as poll workers. Through these efforts, APALA-NV was also able to provide real-time assistance to voters in Tagalog at the polling sites.

## 2. Precinct Targeting

We provided input to election officials around which precincts to target for bilingual poll worker placement. This helped ensure that election officials targeted the right polling sites where there was real need for language assistance. For example, a college campus within a covered jurisdiction in Southern California that technically meets the jurisdiction's targeting formula may not need bilingual poll workers as the students will likely possess English skills sufficient to conduct a meaningful vote without language assistance, whereas other locations that do not meet the targeting threshold may have LEP demographics that would indicate a greater need for bilingual poll worker assignment (e.g., significant number of LEP seniors).

### ADVANCING JUSTICE STORIES

**Cook County, Illinois:** *Advancing Justice-Chicago* along with the Indian American Bar Association of Chicago, the South Asian American Policy and Research Institute and other Advisory Committee partners, provided qualitative input to the Chicago Board of Election Commissioners about what areas to target for language assistance. This information was used to supplement the American Community Survey (ACS) data the Chicago Board of Election Commissioners was already utilizing and improve their targeting of LEP voters for Asian Indian language assistance.

**Alameda County, California:** *Advancing Justice-ALC* and its partners recognized that no one data set identifies all precincts where there is a need for language assistance and worked with the Registrar of Voters to identify a cross-section of data that would best reflect the need for language assistance in the county, including: voter requests for language assistance, country of birth, Census data, surname matching of voter registration files and information provided by community members and key community markers (e.g., ethnic churches, grocery stores, businesses and restaurants).

## 3. Translations

Each jurisdiction is required to provide translations that are clear, complete and accurate. Unfortunately, translations sometimes are inaccurate or written in a way that may not make sense or capture the nuance needed for a LEP voter to understand it. Often, this happens when election officials do not consult local community leaders for review of draft translations and/or when they rely on translation software without human review. Translation software is often inaccurate and relying solely on volunteer advisory committees for translation review is unsustainable in the long term. In order to ensure that the translations are of the highest quality, election offices should hire qualified human translators before consulting with advisory committees for review. Not only did we help review translations for quality control, in some instances we also created supplementary educational materials for the county.

### ADVANCING JUSTICE STORIES

**Cook County, Illinois:** *Advancing Justice-Chicago* and community members worked with the Chicago Board of Election Commissioners, which oversees the city of Chicago, and the Cook County Clerk's Office, which oversees voting for all of suburban Cook County. The advisory committee provided translation reviewers for election officials, who identified several errors committed by the outside vendor. With the assistance of the community, the Chicago Board of Election Commissioners was able to correct these errors and accurately translate its entire website into Hindi. With the strong urging of the advisory committee, election officials will be using a different translation vendor going forward.

**Quincy City, Massachusetts:** *AACA* conducted a comprehensive review of election materials from the city clerk to ensure translation quality. To supplement the city's materials, *AACA* translated the "Exercise Your Right to Vote" and "Your Voting Rights" guides into Chinese and collaborated with Mass Vote to translate voter registration materials. Translation of these supplemental materials was completed by professional translators from *AACA's Sampan Newspaper*.

**Bergen County, New Jersey:** *KACE* reviewed materials in Korean in spring and summer of 2012 and met with election officials to discuss corrections to the numerous errors on both the Korean vote-by-mail and the voting machine instructions. Additionally, *KACE* noted the problem of failing to use transliterated candidate names (phonetic transcription of English names in Korean) on ballots and sample ballots. Because most Korean American voters rely heavily on Korean ethnic media for information on elections and Korean ethnic media use transliterated candidate names, the lack of transliteration resulted in confusion for Korean American voters.<sup>19</sup>

## B. Community & Media Outreach & Education

Although election officials must publicize the availability of language assistance and conduct voter education, it is often helpful for local organizations to supplement such efforts to help ensure that community members are receiving the information in a culturally and linguistically appropriate manner. It is important that election officials do not rely solely on volunteer advisory committees to conduct community outreach; rather, election officials should seek input from advisory committees to supplement existing strategies. We played this role in community outreach and education by organizing local meetings and briefings for service providers and language minority communities, recruiting bilingual poll workers and utilizing both local mainstream and ethnic media to help recruit bilingual poll workers and educate language minority groups about the availability of language assistance.

<sup>19</sup> In Bergen County, New Jersey, *KACE* conducted an independent exit poll during the primary election. *KACE* found that about 52 percent of Korean American voters were receiving information about candidates and elections from Korean media, which only uses Korean transliteration of candidate names. The exit poll also found that 28 percent of Korean American voters experienced difficulties voting because candidates' names were not translated.

## ADVANCING JUSTICE STORIES

**Hamtramck City, Michigan:** *APIAVote-MI* worked with its local partners and officials to conduct get-out-the-vote calls to Hamtramck City residents leading up to Election Day and reminded them about the availability of Bengali ballots and interpreters. They also developed, printed and distributed 300 Bengali voter guides. The guide included voting rights information, the absentee ballot request form and information about the six statewide ballot initiatives.

In **Harris County, Texas**, the Chinese Advisory Committee conducted media outreach to local mainstream and ethnic media on public affairs TV shows, invited election officials to speak at local events in the Chinese American community and provided thousands of educational materials and palm cards in Chinese, Vietnamese and Spanish that included information about their voting rights.

In **Clark County, Nevada**, *APALA-NV* secured print and television coverage as well as weekly radio appearances to educate the community about the availability of bilingual materials and assistance. *APALA-NV* held town hall meetings and events where they distributed materials about Section 203.

Some groups, such as Advancing Justice-Chicago (Cook County),<sup>22</sup> KACE (Bergen County), Advancing Justice-Los Angeles (Los Angeles County), SCAPAL (San Diego County) and Advancing Justice-ALC (Alameda and Sacramento counties) conducted poll monitoring during the primary elections and advocated for improvements prior to the November elections.

Targeting of sites for Election Day monitoring was generally based upon a list provided by election officials indicating which precincts were assigned bilingual poll workers. For example, Advancing Justice-Los Angeles targeted sites in Los Angeles and Orange counties based on bilingual poll worker assignments made by the registrar of voters. Advancing Justice-Los Angeles narrowed its pool by selecting sites and precincts with high numbers of Asian American registered voters, including voters from specific Asian American ethnic groups such as Chinese, Korean and Vietnamese Americans. It also focused on precincts with newly covered languages.

*See Appendix C for details on how many precincts were monitored in each jurisdiction.*

Our observations were recorded, analyzed and compiled into this report. The remainder of the report will describe practices that worked well or could be improved in the jurisdictions monitored to inform and aid election officials, local leaders and DOJ<sup>23</sup> in the improvement of Section 203 implementation.

## C. Poll Monitoring

The third area of our project was training and deploying poll monitors to observe implementation and compliance at polling sites in 14 jurisdictions on Election Day.<sup>20</sup> The national poll monitoring effort covered: eight counties in California; the city of Chicago and suburban Cook County in Illinois; Quincy City, Massachusetts; Hamtramck City, Michigan; Bergen County in New Jersey; Harris County in Texas (which includes Houston); and King County (Seattle) in Washington.<sup>21</sup> Collectively, the groups involved in the Advancing Justice poll monitoring project sent almost 500 poll monitors to nearly 900 precincts.

### POLL MONITOR TRAINING

Partners recruited poll monitors and trained them to ensure ballot access and language assistance for LEP voters under sections 203 and 208 of the Voting Rights Act.

Poll monitors recorded observations at targeted polling sites to provide a snapshot of what Asian American and Pacific Islander voters encountered on Election Day. Poll monitors were instructed on methods of observing and documenting the availability and display of translated materials and language assistance, poll site setup, interactions between poll workers and voters, and any problems, irregularities or instances of discrimination or voter suppression. Depending on jurisdiction, poll monitors observed precincts for anywhere from 30 minutes to the duration of the polling site's open hours. Monitors were also trained to attempt to rectify issues observed at the site, with the intention of resolving any problems with which later voters would otherwise be confronted.

<sup>20</sup> As part of the Lawyers Committee for Civil Rights' National Election Protection Hotline, an Asian language voter hotline was also piloted in 2012 by Advancing Justice-AAJC and APIAVote to provide real-time trouble-shooting and incident reporting for Asian American voters. The hotline recorded findings similar to those identified by in-state monitors. For example, in Minnesota, elderly Hmong voters were improperly asked to provide identification, even though a white voter standing in line behind them was not.

<sup>21</sup> King County is a vote-by-mail jurisdiction and, as such, does not utilize polling sites in the same manner as other jurisdictions. King County provides accessible voting centers where voters who may have difficulty completing their mail-in ballot can receive help. OneAmerica deployed poll monitors to the five centers that were open on Election Day. Historically, and according to King County election officials, Seattle's Union Station was the only center with a large LEP population, so poll monitors remained there for most of the day.

<sup>22</sup> During the March primary, Advancing Justice-Chicago's poll monitors alerted election officials that most Hindi-translated materials were not delivered to targeted precincts in suburban Cook County, and worked with the county to ensure that the materials were delivered by the evening rush. Post-primary, Advancing Justice-Chicago and advisory committee members worked with the Cook County Clerk's Office to ensure that this error did not occur again. In November, Advancing Justice-Chicago poll monitors confirmed that Hindi-translated materials were delivered to those precincts.

<sup>23</sup> DOJ provides support to jurisdictions about Section 203 and, when necessary, investigates and pursues allegations of non-compliance and takes appropriate enforcement action. For example, in 2011, DOJ filed a complaint alleging that Alameda County violated Section 203 by failing to provide Spanish- and Chinese-speaking voters effective access to the electoral process. Under a consent decree, the county is now required to meet specific language assistance obligations.

# 發言權

## NATIONAL TRENDS IN LANGUAGE ASSISTANCE & OTHER VOTING PROBLEMS

In all seven states, monitors found that many polling sites provided adequate language access to LEP voters and election officials made an effort to address their needs. However, enough polling sites had serious problems to indicate that further education and training are required. The most common problems included the lack of availability of bilingual poll workers and translated materials, resistance to providing language assistance and lack of knowledge about Section 203.

The following outlines and highlights findings<sup>24</sup> from selected jurisdictions, organized by the categories of:

- Translated materials;
- Signs;
- Bilingual assistance; and
- Other voting issues.

Our findings and percentages are based on polling sites that were observed by our monitors and do not reflect all of the precincts in each jurisdictions.

### A. Translated Materials

On Election Day, monitors assessed the availability and visibility of translated materials.<sup>25</sup> Translated materials were reported as entirely missing at only a few of the monitored sites; however, the larger issue was that translated materials had very low visibility or were not displayed at all. This specific problem was reported in almost one-half of monitored sites. Several jurisdictions had incidents of missing or poorly displayed translated materials, such as in Sacramento, Bergen and Harris counties that were due to space constrictions.

When materials were not visible or properly displayed, poll monitors asked poll workers to resolve the issue. Although most were responsive to such requests, in some cases poll workers either refused to display the materials or responded that they had none. For example, poll workers refused to display Chinese materials in certain precincts in San Mateo County. In jurisdictions implementing South Asian languages for the first time, such as suburban Cook County and Hamtramck City, a significant number of poll workers were unaware of the availability of translated ballots and materials or were unwilling to display them. Another problem arose

<sup>24</sup> The observations contained in this report are derived from poll monitors' responses to questionnaires that were structured to assess each precinct's organization and activities. Poll monitors indicated which multilingual signs and materials were present inside and outside polling sites. They also observed interactions between poll workers and voters and documented any incidents. In addition, poll monitors asked poll workers if they were bilingual. When necessary, poll monitors made suggestions to the poll inspector, particularly concerning the display of multilingual materials.

<sup>25</sup> Monitors looked for translated voter bill of rights, voter information pamphlets, ballots, sample ballots, official statewide voter information guides, how-to-vote guide/instruction cards, multilingual reference packets (with provisional/vote-by mail materials), and provisional ballot forms/envelopes.

regarding readability of the translation. In all 15 precincts observed in Bergen County, the font size of Korean voting machine instructions was smaller than instructions in English or Spanish, and too small to be read by senior citizens. Candidates' names were also not translated on ballots.

Jurisdiction	Percent of precincts with at least one missing or poorly displayed translated material
National Average	45%
Quincy City, MA	All (Five precincts observed)
Hamtramck City, MI	All sites (Three precincts observed, all at one site)
Harris County, TX	83%
Los Angeles County, CA	57%
Bergen County, NJ	46%
San Mateo County, CA	37%
Cook County, IL <i>City of Chicago</i> <i>Suburban Cook County</i>	36% 45%
Sacramento County, CA	36%
San Diego County, CA	36%
Santa Clara County, CA	33%
Orange County, CA	29%
Alameda County, CA	27%
San Francisco County, CA	9%
King County, WA	0% - None reported

## B. Signs

On Election Day, poll monitors assessed the presence and visibility of bilingual signs indicating polling place location. Such missing or poorly displayed signs can pose a significant barrier for LEP voters trying to locate and access their polling sites, particularly for those locations that support more than one precinct.

Bilingual signs designating polling places were adequate in most jurisdictions, although inadequate directional signs outside polling sites were reported in Alameda County, Orange County, Los Angeles County, Harris County and Quincy City.

Poll monitors also noted the presence of “Language Spoken Here,” “We Speak,” or “We Can Assist You” signs indicating the availability of language assistance from bilingual poll workers. Without such notification, LEP voters

may not ask for help or even know such help exists. The following includes a selection of incidents related to lack of or poor display of directional signs and “We Speak” or “We Can Assist You” signs in one or more covered Asian languages, as reported by poll monitors:

- In Los Angeles County, Khmer “Language Spoken Here” signs were displayed at only 70 percent of targeted precincts that were observed, and displayed in Hindi at 78 percent of targeted precincts that were observed;
- In Hamtramck City, precincts lacked signs indicating the availability of language assistance in Bengali. Poll workers also refused poll monitors’ requests to post a sign indicating the availability of Bengali language assistance;
- Quincy City and Orange County did not create a “We Speak” or other sign indicating language assistance;
- In Harris County, Chinese “Language Spoken Here” signs were not present at all but two of the monitored precincts; and
- Missing signs indicating language assistance or an in-language hotline were observed at precincts in Alameda, Los Angeles, Sacramento, San Francisco, San Mateo and Cook counties.

## C. Bilingual Assistance

### 1. Bilingual Poll Worker Placement and Identification

Poll monitors noted where bilingual poll workers were missing and for which language, as well as whether such workers wore badges indicating language ability.

Bilingual poll workers were completely missing from almost one-quarter of monitored sites. Alameda County had the highest rate of missing bilingual poll workers, with 45 percent of precincts slated for bilingual poll workers that were observed missing at least one poll worker. King County was among the top performers, with workers able to speak either Chinese or Vietnamese stationed at every observed accessible voting center. However, it should be kept in mind that King County is in a vote-by-mail state and therefore, was only required to recruit a handful of bilingual poll workers.

Bilingual workers for certain languages, especially those required for the first time, were missing at even higher rates. In Los Angeles County, only 56 percent of precincts required to provide Hindi-speaking poll workers that were observed had one available. For Thai, precinct compliance was only 73 percent for those observed. Khmer fared better at 83 percent precinct compliance for those observed. In Hamtramck City, there was only one Bengali-speaking worker, who did not proactively approach voters, available. In Bergen County, KACE found that four Korean bilingual poll worker applicants were not contacted by the Board of Elections, nor assigned to a poll site.

Another significant issue was the lack of identification worn by bilingual poll workers. Nationally, on average, 43 percent of monitored sites with bilingual poll workers either had none (or only some) of the bilingual poll workers wearing badges that identified them as speaking a language other than English. The percentage of sites where bilingual poll workers were not wearing badges varied widely. In Bergen County, Quincy City and Hamtramck City, none of the observed bilingual poll workers were wearing badges.

Since Quincy City also does not provide “We Speak” signs, this provided even more of a challenge for LEP voters to identify the availability of language assistance. In Harris County, 88 percent of observed precincts had bilingual poll workers who were not wearing a badge, and at only one site did the poll worker put on a badge after being asked. In King County, all bilingual poll workers were observed to be wearing badges.

Jurisdiction	Percent of observed precincts missing at least one Asian language-speaking poll worker	Percent of observed precincts where none or only some of the bilingual poll workers were wearing badges
National Average	23%	43%
Alameda County, CA	45% Total precincts 44% Chinese 43% Vietnamese 35% Tagalog	5%
Los Angeles County, CA	16% Total precincts 44% Hindi 27% Thai 24% Korean 22% Vietnamese 17% Khmer 8% Tagalog 6% Japanese 4% Chinese	33%
Orange County, CA	38% Total precincts 42% Chinese 34% Korean 30% Vietnamese	47%
Sacramento County, CA	6% Chinese	34%
San Diego County, CA	13% Total precincts 19% Vietnamese 11% Tagalog 8% Chinese	18%
San Francisco County, CA	1% Chinese	3%
San Mateo County, CA	17% Chinese	5%
Santa Clara County, CA	14% Total precincts 20% Tagalog 19% Vietnamese 7% Chinese	19%
Cook County, IL <i>City of Chicago</i>	19% Total precincts 27% Hindi, Gujarati and Urdu 9% Chinese	72%
<i>Suburban Cook County</i>	9% Asian Indian	46%
Quincy City, MA	20% Chinese	80%
Hamtramck City, MI	67% Bengali	100% (1 poll worker observed)
Bergen County, NJ	33% Korean	100% (none of the 15 poll workers observed wore badges)
Harris County, TX	45% Chinese	88%
King County, WA	0%	0%

## 2. Poll Worker Interaction with LEP Voters

This poll monitoring initiative also observed and recorded how all poll workers generally behaved toward voters needing language assistance. In most observed sites, the majority of poll workers were cordial to voters who needed language assistance.

- Nationally, 61 percent of poll workers were cordial to voters who needed language assistance.
- On average, 35 percent of poll workers waited for voters needing language assistance to approach or request help. This points to the need for more poll worker training around being proactive with language assistance, as LEP voters may be unaware of the availability of assistance or be intimidated or reluctant to ask for help.

Overall, poll workers were not outwardly rude to voters needing language assistance. However, some jurisdictions, such as Cook, Los Angeles, Orange, Santa Clara and San Mateo counties had at least one observed incident of rudeness. Although no incidents of outright rudeness were reported in Quincy City, a general observation was made for poll workers to be more patient and sensitive to the needs of voters.

Jurisdiction	Cordial to LEP voters	Waited for LEP voters to approach/request help	Treated LEP voters rudely	Too busy to help LEP voters
National Average	61%	35%	2%	2%
Alameda County, CA	40%	12%	None reported	8%
Los Angeles County, CA	75%	29%	1%	3%
Orange County, CA	88%	46%	0%	2%
Sacramento County, CA	41%	29%	None reported	None reported
San Diego County, CA	80%	44%	None reported	None reported
San Francisco County, CA	70%	23%	None reported	1%
San Mateo County, CA	77%	41%	2%	None reported
Santa Clara County, CA	45%	21%	3%	None reported
Cook County, IL	78%	22%	6%	None reported
City of Chicago	78%	50%	9%	3%
Suburban Cook				
Quincy City, MA	40%	20%	None reported specifically <sup>26</sup>	None reported
Hamtramck City, MI	0%	100%	None reported	None reported
Bergen County, NJ	No data	No data	No data	No data
Harris County, TX	80%	32%	None reported	None reported
King County, WA	55%	18%	None reported	9%

<sup>26</sup> Although there were no observed instances of outright rudeness by poll workers, poll monitors reported that some poll workers were "insensitive or impatient to the needs of voters" and required more "human service training."

## D. Other Problems on Election Day

Other most commonly reported problems that affected voters' ability to effectively cast a ballot included long lines and wait times to vote, problems with voting machines, confusing site layouts (especially multi-precinct layouts) and occasionally—poll workers asking for identification improperly, denying a helper into the voting booth or failing to provide voters with a provisional ballot. Additionally in some areas, voters experienced a great deal of confusion on Election Day because of changes to polling places. Where polling places are different from previous elections, election officials should attempt to reduce confusion by posting signs and sending notices to affected voters.

### 1. Lack of Knowledge about Applicable Voting Laws (Voter ID and Right to Assistance under Section 208)

Poll monitors recorded instances where poll workers improperly asked for identification from LEP voters, which could prevent a voter from casting a ballot. Selectively asking for identification may also be an indication of larger discrimination or voter suppression efforts based upon language or ethnicity.

- Poll workers were observed asking voters for identification unnecessarily in several precincts in Los Angeles and San Diego counties.
- In Sacramento County, San Francisco County and Quincy City, poll monitors observed a poll worker illegally preventing a voter from bringing a helper into the voting booth.

### 2. Accessible Voting Machines

Poll monitors also reported numerous instances of problems with accessible voting machines, such as screens repeatedly freezing up, re-booting or other forms of malfunction.

- Malfunctioning voting machines were observed to be a widespread issue, with incidents reported in Alameda, Cook, Sacramento, San Mateo and San Diego Counties, and the most incidents reported in San Francisco, Los Angeles and Orange counties.

### 3. Provisional Ballots

Poll monitors also observed whether poll workers offered the option to cast a provisional ballot when a voter's name was not found in the roster.

Cook County, Quincy City, Santa Clara County and San Mateo County were particularly problematic with more than a quarter of precincts observed failing to provide voters with provisional ballots. Additionally in Cook County, the following issues were observed: None or not enough translated provisional voting affidavits were available; poll workers seemed to lack knowledge about provisional voting; and when one LEP Korean American voter's name was not found in the book, it took so long to verify the voter's registration that the voter left without voting and without being offered a provisional ballot.

Jurisdiction	Percent of observed precincts where poll workers DID NOT offer option of casting provisional ballot to voters with names not in roster
National Average	14%
City of Chicago, IL	47%
Quincy City, MA	40%
Santa Clara County, CA	26%
Suburban Cook County, IL	17%
San Mateo County, CA	17%
Alameda County, CA	13%
Sacramento County, CA	12%
Harris County, TX	5%
Orange County, CA	5%
San Francisco County, CA	4%
San Diego County, CA	3%
Los Angeles County, CA	2%
Hamtramck City, MI	None reported
King County, WA	None reported
Bergen County, NJ	No data

### 4. Other Voting Issues

A range of other issues at polling sites were observed that may have impeded or discouraged voters from completing a ballot. These included:

- Site inaccessibility for elderly voters and voters with disabilities;
- In suburban Cook County, problematic behavior by third parties was observed, specifically by poll monitors working on behalf of a congressional candidate. Poll workers allowed these poll monitors to make discriminatory comments about LEP voters (such as, "people who can't speak English shouldn't be allowed to vote"), sit at the poll worker table to check voter names in the roster and yell at other poll monitors; and
- In Bergen County, nine precincts were combined because of Hurricane Sandy damage. Most voters did not know their precinct number and a precinct map was not posted at the entrance. Voters were confused and had to move back and forth between different rooms to locate their precincts.



# THE MANY VOICES OF OUR DEMOCRACY

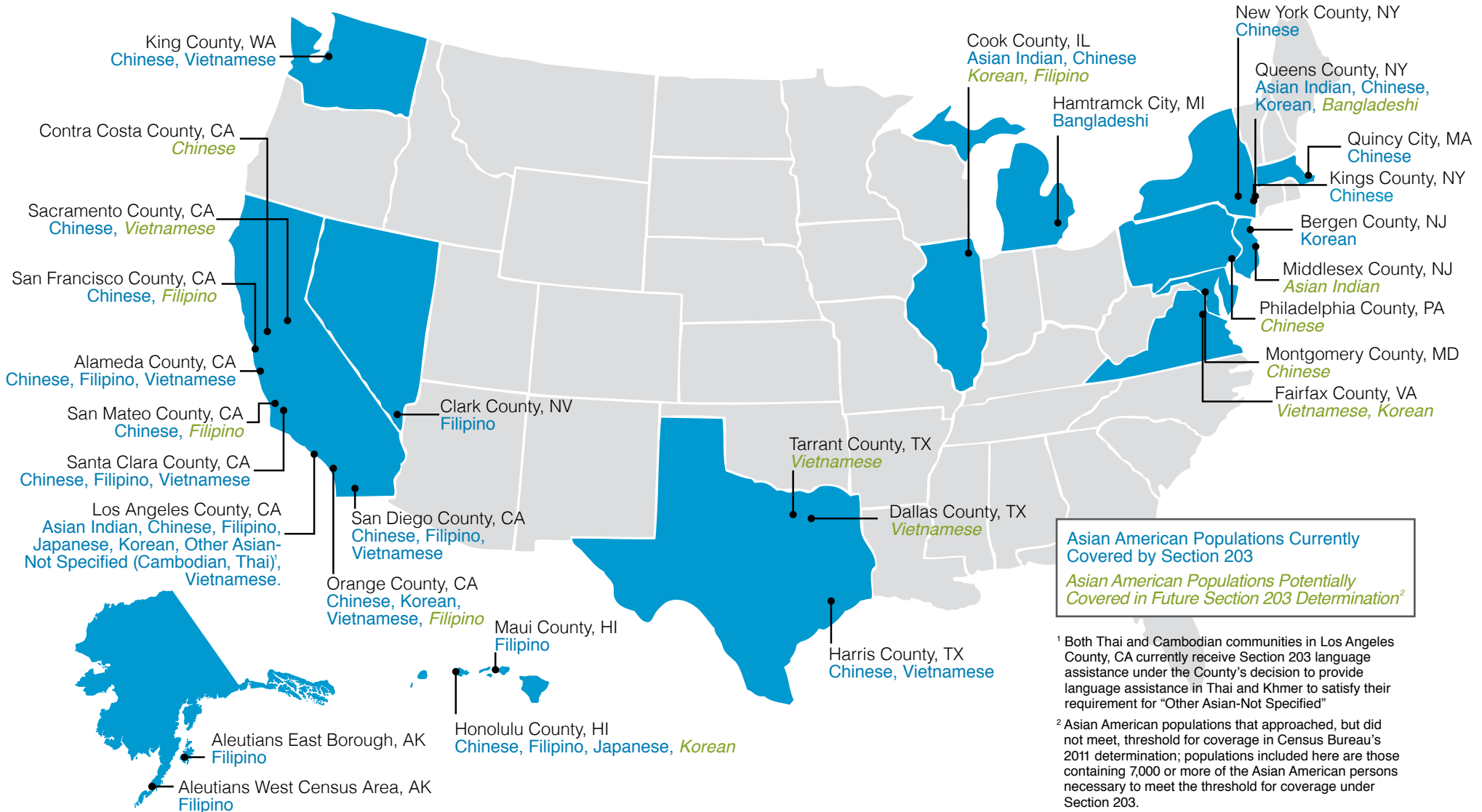
This infographic is from *Voices of Democracy: Asian Americans and Language Access During the 2012 Elections*, available at [www.advancingjustice.org](http://www.advancingjustice.org).

## Section 203 Map

Map indicates current and potential future covered jurisdictions and ethnic groups for Asian languages.

## What is Section 203 of the Voting Rights Act?

Section 203 requires certain jurisdictions to provide language assistance to voters such as translated materials, multilingual workers at polling sites and publicity of the availability of these resources. *Jurisdictions are determined every 5 years based on population size, English abilities and literacy rates in that area.*



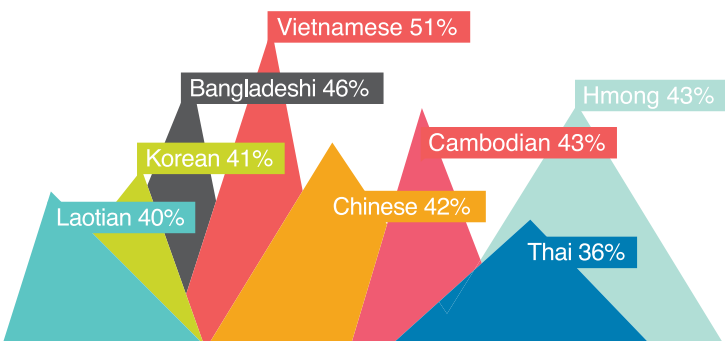
# ASIAN AMERICANS AND THE NEED FOR LANGUAGE ASSISTANCE

LEP = Limited-English Proficient (i.e., speaks English less than very well)

## Asian Americans at a Glance<sup>3</sup>



LEP rates vary among Asian ethnic groups. For example,

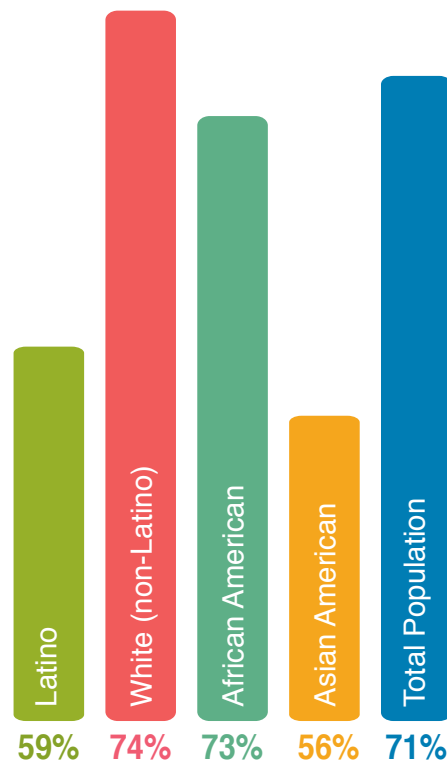


<sup>3</sup> Source: United States Census Bureau

## Coming Up Against the Language Barrier<sup>4</sup>

The language barrier contributes to lower voter registration and turnout among Asian American citizens – Asian Americans fall behind their white and other racial counterparts:

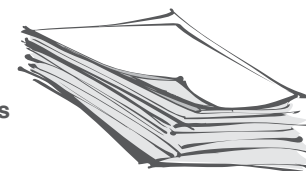
**Percent of Citizen Voting-age Population that has Registered to Vote**



<sup>4</sup> Source: United States Census Bureau

## Common Problems Asian Americans Experienced at the Polls<sup>5</sup>

**45%** of precincts were missing translated materials or poorly displayed them



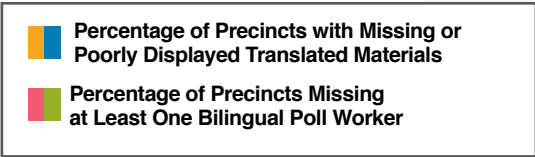
**23%** of precincts were missing at least one Asian language-speaking bilingual poll worker



Poll workers lacked knowledge about voting laws. For example, **14%** of precincts had poll workers who **DID NOT** provide provisional ballots when a voter's name was not on the roster

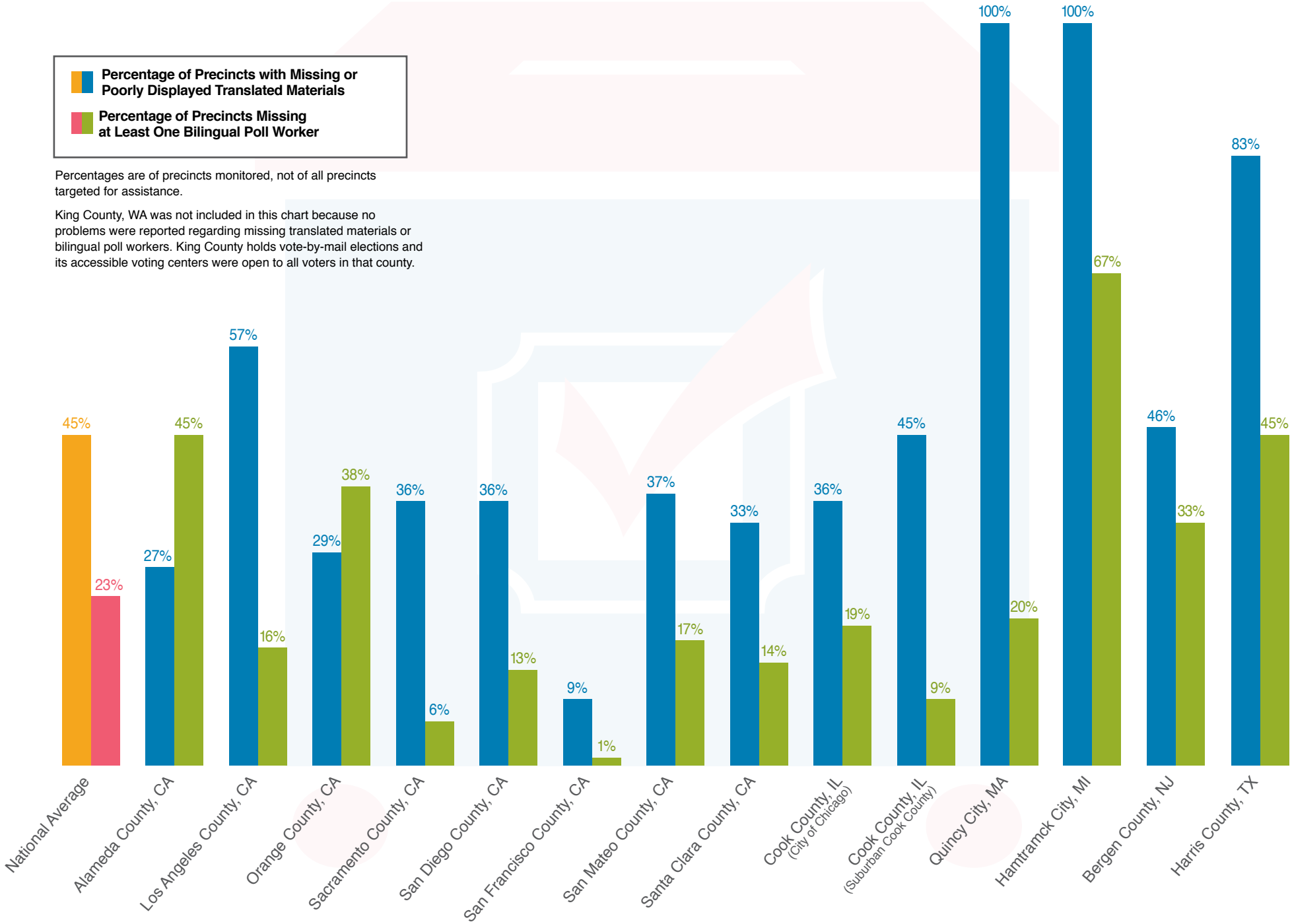
<sup>5</sup> Percentages are of precincts monitored, not of all precincts targeted for assistance.

# Continued Problems: How Precincts Measure Regarding Language Assistance (By Jurisdictions Monitored)



Percentages are of precincts monitored, not of all precincts targeted for assistance.

King County, WA was not included in this chart because no problems were reported regarding missing translated materials or bilingual poll workers. King County holds vote-by-mail elections and its accessible voting centers were open to all voters in that county.



## Complying with Section 203

### Poll Workers Should

- Actively approach voters who may need assistance
- Understand the needs of LEP voters and how to interact with them in a culturally sensitive manner
- Display translated signage and voting materials
- Wear identification to let voters know that they speak various languages
- Know the rights of all voters



### Election Officials Should

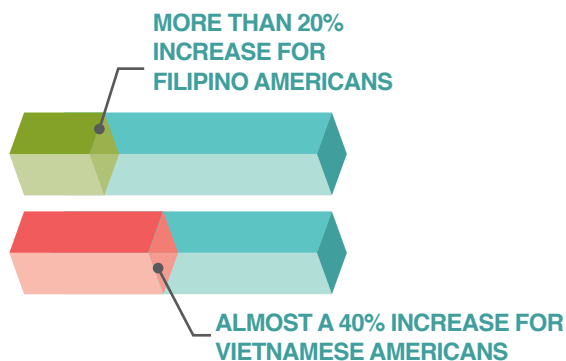
- Ensure that bilingual poll workers are present
- Conduct publicity through outreach and education
- Train all poll workers on how to serve LEP voters in an effective and respectful manner
- Have accurate translations of voting materials



## Upholding Section 203

San Diego County, CA – In 2004, DOJ sued the county to mandate compliance

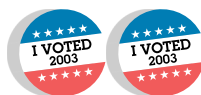
Result: Voter registration rose **by more than 20%** for Filipino Americans **and by almost 40%** for Vietnamese Americans



Harris County, TX – In 2004, the county signed an MOU with DOJ for Section 203 compliance

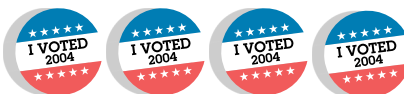
Result: Vietnamese voter turnout **doubled**

### 2003 VOTERS



V.

### 2004 VOTERS



## Examples of Best Practices

- ✓ Translate website and online forms into covered languages (e.g., King County, WA in Chinese and Vietnamese)
- ✓ Provide language assistance forms online and post “We Speak” signs in various languages to assist LEP voters (e.g., Los Angeles County, CA)
- ✓ Use large bulletin boards to display translated materials (e.g., Alameda, San Francisco and Santa Clara counties, CA)
- ✓ Recruit bilingual poll workers from high schools for adequate staffing at poll sites (e.g., San Francisco County, CA)

## Call to Action!

Asian Americans’ voices deserve to be heard at the polls!

*What you can do in your community:*



Meet with your elections officials about their Section 203 implementation plans



Participate in advisory committees that oversee language access

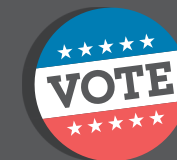


Educate voters in your community about their rights



Identify and work with local, mainstream and ethnic media

Help recruit bilingual poll workers and volunteer at your poll to provide bilingual assistance



Conduct trainings for poll monitors on language assistance

Work with community organizations in your area to monitor polls and report issues



For more information, please visit: [www.advancingjustice.org](http://www.advancingjustice.org).





## SNAPSHOT OF SECTION 203 IMPLEMENTATION BY JURISDICTION

The following chart provides a snapshot of what went well and what needs improving in each jurisdiction, considering the provision of translated materials, bilingual poll worker (BPW) availability, quality of language assistance

(e.g., whether bilingual poll workers wore badges, type of interaction with LEP voters, etc.) and the presence of a language advisory committee and bilingual outreach worker/staff person.

Jurisdiction	Asian American Language Groups Covered (*new designation)	What Went Right	What Went Wrong
Alameda County, CA	Chinese, Filipino,* Vietnamese*	Good availability and display of translated signs and materials; vast majority of BPWs wore badges; BPWs generally actively approached voters.	Poorly trained poll workers; poor BPW turnout; a few incidents of poll worker rudeness or poll workers too busy to help LEP voters.
Los Angeles County, CA	Asian Indian,* Chinese, Filipino, Japanese, Korean, Khmer,* Thai,* Vietnamese	Good availability and display of translated signs and materials; poll workers generally cordial and actively approached voters; average to good quality of language assistance.	Missing BPWs (44 percent Hindi); missing translated materials (over 10 percent missing/hidden translated sample ballot pamphlets); missing translated signs (“language spoken here” sign 70 percent—Khmer; 78 percent—Hindi); BPWs wore badges at less than 70 percent of precincts observed; poll workers at 12 precincts asked for unnecessary voter ID.
Orange County, CA	Chinese, Korean, Vietnamese	Poll workers overwhelmingly cordial to LEP voters; excellent display of translated voter bill of rights in targeted precincts.	High rate of BPW no-shows in targeted precincts; when asked to display bilingual materials, 12 percent of poll workers refused and 15 percent said there were none; missing or hidden translated ballots and official statewide voter information guides; 31 percent of precincts targeted for Vietnamese did not display translated ballots.

Jurisdiction	Asian American Language Groups Covered (*new designation)	What Went Right	What Went Wrong
Sacramento County, CA	Chinese*	BPWs wore badges at two-thirds of sites; poll workers generally active in approaching voters.	Less than average availability and display of translated signs and materials; missing or insufficient space to display translated materials and signs; need for poll worker training on availability and importance of translated materials.
San Diego County, CA	Chinese,* Filipino, Vietnamese* <sup>27</sup>	Generally, good availability and proper display of language materials and signs; over 80 percent of BPWs wore badges; generally cordial to voters.	Poll workers generally passive (yet cordial) to LEP voters; long lines and wait times for sites with multiple precincts; difficult access for voters who are elderly or have disabilities.
San Francisco County, CA	Chinese	Excellent availability and display of translated materials and signs; excellent turnout and identification of BPWs in targeted precincts; excellent quality of service and interaction with LEP voters; vast majority of poll workers active and cordial to LEP voters.	A handful of precincts opened after 7 a.m.
San Mateo County, CA	Chinese	Average availability and display of translated materials and signs; good turnout of BPWs; 95 percent of observed BPWs wore badges; generally active and cordial to LEP voters.	“Language spoken here” signs improperly displayed; polling sites too small; long line of voters and wait times; voting machines not working; poll worker refusal to display Chinese language materials.
Santa Clara County, CA	Chinese, Tagalog, Vietnamese	Average availability and display of translated materials and signs; good turnout of BPWs; over 80 percent of BPWs wore badges; generally actively approached LEP voters.	Voters not offered provisional ballots; poll workers only somewhat cordial to LEP voters; one incident of rudeness.
Cook County, IL	Asian Indian,* Chinese	Good turnout of BPWs; generally cordial to LEP voters; Chinese bilingual outreach worker employed by Chicago Board of Election Commissioners.	Poor identification of BPWs; BPWs very passive in approaching LEP voters; several incidents of rudeness; poll worker failure to stop problematic behavior by candidate’s poll monitors; poll judges turning voters away without offering provisional ballots; no Asian Indian bilingual outreach coordinator in either Chicago or suburban Cook County; poorly translated voting materials.
Quincy City, MA	Chinese*	Election officials worked with Chinese Advisory Committee.	Poor availability and display of translated materials and signs; inadequate multi-lingual direction signs to poll sites; BPWs wore badges at only 20 percent of sites; poll workers did not appear knowledgeable about Section 203; poll workers not well-trained in customer service; poll workers did not offer provisional ballot option.

<sup>27</sup> Although San Diego County must now offer help in Vietnamese, the county first did so in 2004 pursuant to a consent decree with DOJ.

Jurisdiction	Asian American Language Groups Covered (*new designation)	What Went Right	What Went Wrong
Hamtramck City, MI	Bangladeshi*	Election officials worked with APIA Vote-MI and Bangladeshi American Public Affairs Council (BAPAC).	Signs, materials and ballots missing or improperly displayed; low turnout of BPWs; BPWs did not wear badges or actively approach voters; multiple precincts layout confusing; no poll workers to guide voters to the correct line; inadequate training of poll workers on Section 203 and translated materials; poll workers unwilling to proactively assist voters.
Bergen County, NJ	Korean*	Election officials worked with informal Korean advisory committee and made some translation corrections based upon committee's recommendations.	Poor display of translated materials and signs; space too small to accommodate voters or display bilingual materials, especially voter bill of rights; candidate names not transliterated; two precincts with over 250 Korean American voters were missing BPWs; BPWs did not wear badges; layout of multiple precincts (up to nine in one site) was confusing.
Harris County, TX	Chinese,* Vietnamese	Vast majority of poll workers cordial to LEP voters; jurisdiction worked with a Chinese Advisory Committee and hired a Chinese outreach worker.	General need for better translated signs and badges indicating languages spoken; some precincts ran out of translated materials or never received them; only 12 percent of observed BPWs wore badges; poll judges and workers need more thorough Section 203 training.
King County, WA	Chinese, Vietnamese*	Excellent availability and display of translated materials and signs; Chinese and Vietnamese-speaking poll workers were available and identifiable with badges at all sites observed; majority of poll workers actively approached and were cordial to LEP voters; thorough translation of forms and voter materials on website; voting centers well-staffed with BPWs and had clear procedures for LEP voters; election officials consulted with informal Chinese/Vietnamese advisory committee.	No issue reported.



## SECTION 203 IMPLEMENTATION BY ASIAN LANGUAGE

The following chart provides a snapshot of what went well and what needs improvement by each covered Asian language. The chart considers the provision and visibility of translated materials and signs, presence of bilingual

poll workers (BPWs), quality of language assistance (e.g., whether bilingual poll workers wore badges, and type of interaction with LEP voters), and work with election officials prior to Election Day.

Ethnic Group/ Language	Jurisdiction Covered for Language (*new designation)	What Went Right	What Went Wrong
Asian Indian (Hindi)	Los Angeles County, CA * Cook County, IL*	<p>94 percent of Hindi sample ballots displayed at precincts targeted for Hindi (Los Angeles).</p> <p>100 percent of Hindi Statewide Voter Information Guide displayed at targeted precincts (Los Angeles).</p> <p>85 percent of voter bill of rights displayed at all observed precincts (Los Angeles).</p>	<p>Lowest numbers of BPWs (44 percent missing in Los Angeles).</p> <p>Hindi “Language spoken here” sign displayed at 78 percent of precincts targeted for Hindi (Los Angeles).</p> <p>BPW missing at 14 percent of targeted precincts (Cook County).</p> <p>At least one form of Hindi material not opened or displayed until asked by poll monitors at three sites (Cook County).</p>
Bangladeshi (Bengali)	Hamtramck City, MI*	<p>City clerk cooperative and enthusiastic to work with APIA Vote-MI &amp; advisory committee (Hamtramck).</p> <p>City clerk attended community events to meet community members and provide language assistance information (Hamtramck).</p>	<p>Need for better collaboration and follow-up from election officials around Section 203 guidelines (Hamtramck).</p> <p>Need to build in additional time for community review of translated materials (Hamtramck).</p> <p>Lack of sufficient poll workers on Election Day (Hamtramck).</p> <p>Need for more thoroughly trained poll workers (Hamtramck).</p> <p>No visible signs at voting locations about language assistance (Hamtramck).</p> <p>No name badges for BPWs (Hamtramck).</p>



Ethnic Group/ Language	Jurisdiction Covered for Language (*new designation)	What Went Right	What Went Wrong
Cambodian (Khmer)	Los Angeles County, CA*	<p>Khmer sample ballots displayed at 92 percent of targeted precincts (Los Angeles).</p> <p>Voter bill of rights displayed in Khmer at 85 percent of all precincts observed (Los Angeles).</p> <p>Khmer statewide voter information guide displayed at 92 percent of targeted precincts (Los Angeles).</p>	<p>Khmer-speaking poll worker present at only 83 percent of targeted precincts (Los Angeles).</p> <p>“Language spoken here” sign displayed in Khmer at only 70 percent of targeted precincts, lowest rate of all languages (Los Angeles).</p>
Chinese	<p>Alameda County, CA</p> <p>Los Angeles County, CA</p> <p>Orange County, CA</p> <p>Sacramento County, CA*</p> <p>San Diego, CA*</p> <p>San Mateo County, CA</p> <p>Santa Clara County, CA</p> <p>Cook County, IL</p> <p>Quincy City, MA*</p> <p>King County, WA</p> <p>Harris County, TX*</p>	<p>100 percent of Chinese ballots displayed at targeted precincts observed (San Diego).</p> <p>In general, translated signs and materials displayed clearly (San Diego, King).</p> <p>Needed BPWs generally present (San Diego, King).</p> <p>All BPWs wore badges, and in general, actively approached and were cordial to voters (King).</p> <p>County clerk’s office took initiative to translate materials before 2011 mandate. County clerk also established an inclusive Community Advisory Committee, hired a Chinese outreach worker, and accepted translation recommendations from committee (Harris).</p>	<p>Missing at least one Chinese-speaking BPW at 44 percent of targeted precincts (Alameda).</p> <p>Nine precincts did not properly display, or were missing, translated written materials (Sacramento).</p> <p>Poll workers not well trained on Section 203, impatient with voters and monitors (Quincy).</p> <p>Hidden translated ballots, inadequate multilingual signs (Sacramento, Quincy).</p> <p>Incidents observed of Section 208 non-compliance (Sacramento, Quincy).</p> <p>At multiple precincts, BPWs not clearly identified with badges (Sacramento, Santa Clara, Cook, Harris, Quincy).</p> <p>Mistranslation on ballot (Harris).</p>
Filipino (Tagalog)	<p>Alameda County, CA*</p> <p>Los Angeles County, CA</p> <p>San Diego County, CA</p> <p>Santa Clara County, CA</p> <p>Clark County, NV*</p>	<p>96 percent of Filipino ballots displayed at targeted precincts, translated language materials generally displayed properly (San Diego).</p> <p>Language assistance adequate, BPWs identified with badges (San Diego).</p>	<p>Missing at least one Tagalog-speaking poll worker at 35 percent of targeted precincts (Alameda).</p> <p>Tagalog provisional ballot envelope and declaration displayed at only 83 percent of targeted precincts; provisional ballot instructions displayed at 85 percent of targeted precincts (San Diego).</p> <p>Tagalog voter help cards displayed at only 80 percent of targeted precincts (San Diego).</p>
Japanese	Los Angeles County, CA	<p>94 percent of precincts targeted for Japanese had a Japanese-speaking poll worker (Los Angeles).</p> <p>Statewide voter info guide displayed in 93 percent of targeted precincts (Los Angeles).</p> <p>“Language spoken here” sign displayed in Japanese displayed at 100 percent of targeted precincts (Los Angeles).</p>	Only 86 percent of Japanese sample ballots were displayed at targeted precincts (Los Angeles).

Ethnic Group/ Language	Jurisdiction Covered for Language (*new designation)	What Went Right	What Went Wrong
Korean	Los Angeles County, CA Orange County, CA Bergen County, NJ*	Korean-speaking BPWs present at 91 percent of targeted precincts (Orange). Translated ballots displayed at 83 percent of targeted precincts (Orange). Translated voter bill of rights displayed at over 90 percent of targeted precincts (Los Angeles—92 percent, Orange—98 percent) Statewide voter information guide displayed at over 90 percent of targeted precincts (Los Angeles—91 percent, Orange—93 percent).	Korean-speaking BPWs present at only 76 percent of targeted precincts (Los Angeles). Lack of transliteration of candidate names (Bergen). In all observed precincts, BPWs not identified with badges (Bergen). Over half of sites observed had missing or hidden voter bill of rights signs (Bergen).
Thai	Los Angeles County, CA*	Thai sample ballots displayed at 100 percent of precincts targeted for Thai (Los Angeles). “Language spoken here” sign displayed in Thai at 100 percent of targeted precincts (Los Angeles).	BPWs present at 73 percent of precincts targeted for Thai (Los Angeles). Statewide Voter Information Guide displayed at 80 percent of targeted sites, the lowest of all non-English languages observed (Los Angeles). Voter bill of rights displayed in Thai at 84 percent of all precincts (Los Angeles).
Vietnamese	Alameda County, CA* Los Angeles County, CA Orange County, CA San Diego County, CA* <sup>28</sup> Santa Clara County, CA Harris County, TX King County, WA*	In general, adequate signs and translated materials (King, San Diego). Vietnamese ballots displayed at 94 percent of targeted precincts (San Diego). BPWs present at all observed sites; all BPWs identified with badges (King).	Vietnamese-speaking poll worker missing at 43 percent of targeted precincts (Alameda). Vietnamese-speaking poll worker missing at 19 percent of targeted precincts (San Diego). Vietnamese voter information guide displayed at only 84 percent of targeted precincts (San Diego). Better identification of BPWs needed (Harris).

<sup>28</sup> Although San Diego County now must provide assistance in Vietnamese, the county first did so in 2004 pursuant to a consent decree with DOJ.

# 发言权

## BEST PRACTICES AND RECOMMENDATIONS

One of Advancing Justice's goals is to help election officials make the voting process accessible to all members of the electorate. Advancing Justice believes jurisdictions should engage community-based organizations working with and/or serving language minority voters in their Section 203 implementation efforts, and adopt a set of best practices to ensure that the language assistance they provide under Section 203 effectively helps LEP voters exercise their right to cast a ballot.

Advancing Justice previously created a checklist (*See Appendix D*) that all covered jurisdictions should follow. Additionally, Advancing Justice provides the following best practices and recommendations:

### A. Written Materials

#### 1. Translated Materials

- Provide translated provisional forms, not simply translated reference materials. Although most jurisdictions translate the ballots, sample ballot booklets, voter guides and polling place signs, some jurisdictions only provide translated reference copies of certain documents such as provisional ballot materials. Given the complexity of voting by provisional ballot, jurisdictions should provide translated provisional ballot forms/envelopes that voters can officially fill out.
- Transliterate candidate names (phonetic transcription of English names into covered language). Section 203 requires that LEP voters be allowed to vote in their own language using translated written materials. This includes candidates' names on the ballot, which is central to the voting process. Providing transliterated candidate names, in consultation with the community, helps ensure that there is no confusion. Often, candidates' transliterated names are already well known through ethnic media. Additionally, candidates should be allowed to use their given ethnic name where the name was given at birth or during childhood or where the use of such name has been previously established.

- Fully translate election websites. Some websites are only partially translated. If a jurisdiction deems information important enough to post in English, it should be accessible in all covered languages.

**Example:** King County translated its website and forms in Chinese [[www.kingcounty.gov/elections/chinese](http://www.kingcounty.gov/elections/chinese)] and Vietnamese [[www.kingcounty.gov/elections/vietnamese](http://www.kingcounty.gov/elections/vietnamese)].

- Provide language-assistance request forms online. Jurisdictions should allow voters to fill out such forms directly online or post them as a downloadable PDF from their websites.

**Example:** Los Angeles County provides language assistance forms as a PDF on its website. [[www.lavote.net/VOTER\\_ELECTIONS](http://www.lavote.net/VOTER_ELECTIONS)]

#### 2. Use of Translated Materials on Election Day

- Ensure that poll workers are adequately trained and understand that the display of translated signs and voting materials is imperative. A focus of training should be ensuring that poll workers are accepting of the need to provide this assistance. Training should also emphasize the need to display the translated materials so that voters know they exist.
- Provide precincts with large tri-fold standing bulletin boards for materials' display. The bulletin boards are prepared in advance of the election, making it easy for precincts to display materials. A board would alleviate some of the table space problems that prevent proper display of materials. It would also alleviate the problem of voters taking one-of-a-kind samples.

**Example:** Alameda, San Francisco and Santa Clara counties use large bulletin boards to display materials. Because poll workers do not decide what to display or how to display it, all voters in a county have access to the same information.

## B. Bilingual Assistance

### 1. Bilingual Poll Worker Recruitment

- Conduct an assessment of languages with high rates of missing bilingual poll workers so that election officials can better target recruitment efforts for those communities.
- Conduct an assessment on the complexity of providing language assistance to linguistically diverse communities, including where multiple dialects may be spoken, to ensure that bilingual poll workers are properly targeted to the polling sites by dialect and language.
- Form partnerships with other government agencies, local leaders, advisory committees and/or community-based organizations to identify and recruit an adequate supply of bilingual poll workers.

**Example:** In previous years, Alameda County struggled to recruit a sufficient number of Spanish-speaking workers. However, in 2012, the county was able to significantly increase its number of Spanish-speaking poll workers by strengthening its recruitment efforts at local churches and community events.

- Strengthen high school partnerships. High schools provide an ample and reliable pool of poll workers. Jurisdictions should develop relationships with schools and civics teachers in order to ensure a supply of bilingual student poll workers who are invested in supporting their community's language needs.

**Example:** In San Francisco, the vast majority of bilingual poll workers were drawn from high schools. Only one site was observed to be missing a bilingual poll worker.

### 2. Poll Worker Training

#### a. Bilingual poll worker-specific

- Train bilingual poll workers to actively approach voters. Poll workers need to be trained on actively approaching LEP voters, who may feel intimidated by the voting process or unaware of the options to vote in-language. Their training should emphasize customer service and the importance of being cordial and patient with LEP voters.
- Provide bilingual workers with, and ensure they wear, badges advertising their assistance. Missing badges make it even more difficult for LEP voters to identify bilingual workers and ask for help.
- Provide bilingual poll workers the necessary training and support they need to provide high-quality assistance. Bilingual poll workers should receive a translated glossary of common election terms. Additionally, bilingual poll workers should be well versed in the different barriers that language minority voters face.

#### b. Generally for all poll workers

- Train poll workers to interact with LEP voters in a culturally sensitive manner. A deeper understanding of the importance and nuances of LEP assistance may result in better display of translated materials and poll worker badges. In the same vein, poll workers should be trained to be responsive to community poll monitors' requests to improve the visibility of translated materials and provision of oral assistance.

- Ensure that poll workers understand the law regarding assistance at the polls. Poll workers should receive adequate training on Section 208 of the Voting Rights Act, particularly that it applies to all voters who need assistance because of disability, blindness or language barriers, and that such assistance can take the form of a voter bringing someone into the voting booth with him or her.

### 3. Bilingual Assistance on Election Day

- Increase the bilingual poll worker reserve pool. Bilingual poll workers are a crucial asset to LEP voters on Election Day, and although jurisdictions may take great steps to recruit and deploy bilingual poll workers, there may still be unanticipated gaps in need on Election Day. Recruiting a larger pool of bilingual reservists is recommended to accommodate no-shows on Election Day.
- Provide and prominently display signs that indicate the availability of language assistance. In addition to badges, jurisdictions should provide signs that indicate which languages are covered at a particular precinct. Badges only work if the poll workers wear them and the voter is observant.

**Example:** Los Angeles County posted translated "we speak" signs at precincts that indicate available languages.

## C. Other Best Practices

- Provide a list of contacts to poll workers for emergency purposes. In addition to contact numbers, the list should include situations when calling would be appropriate, such as failed ballot readers, missing bilingual poll workers and missing materials.
- Ensure that poll workers understand the jurisdiction's identification requirements. Poll workers should be instructed to ask for such documentation only when it is legally required.
- Ensure that poll workers understand who is entitled to vote provisionally. When voters are not on the roster, are at the wrong polling site or do not have the necessary identification on them, poll workers should always give them the option of voting provisionally. Conversely, poll workers should be trained to offer a provisional ballot only after reasonable effort has been made to determine whether the voter can use a regular ballot.
- Instruct poll workers to evaluate the layout of polling sites. Although poll worker training manuals contain sample setups, poll workers should be instructed to consider the need for adequate space to display translated materials, accessibility for voters who are elderly or have disabilities, and foot traffic flow to minimize lines and wait times. When a poll site has multiple precincts, poll workers should also make clear delineations between the precincts.

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## ADDITIONAL BEST PRACTICES FOR NEWLY COVERED LANGUAGE REQUIREMENTS

When a jurisdiction becomes newly covered, it is advisable for election officials to take several next steps in addition to referencing our checklist to ensure quality implementation:

- Create a strategic plan with specific timelines that focuses on community awareness, quality of translated materials and quality and quantity of bilingual poll workers.
- Create a formal advisory committee consisting of community organizations working with the newly covered community to:
  - Discuss and commit resources to implementing language needs. For example, because Asian Indians speak various languages, election officials must determine which languages are the predominant languages read or spoken in the local jurisdiction. For some languages, election officials must determine which dialects should be covered and at which precincts. Election officials must be aware that a particular dialect might be predominantly spoken in one part of the jurisdiction while another dialect is predominantly spoken in another part of the jurisdiction;
  - Acquire an understanding of where the LEP voters in that jurisdiction live;
  - Obtain a list of ethnic media in order to publicize the availability of language assistance and the need for poll workers;
  - Obtain a list of potential outreach workers to hire;
  - Review translations; and
  - Assist with bilingual poll worker recruitment.
- Contact other jurisdictions that cover the newly covered language (if applicable) and adopt what other jurisdictions have done well.
- Hire outreach coordinators/staff early in the process. Finding adequate numbers of bilingual poll workers in a newly covered language can be challenging. In order to meet the recruitment goals, outreach must start months before any given election.
- Translate materials early on so that newly covered languages can be incorporated into voting materials. This will also allow time for community groups to review the translated materials for accuracy.



## CONCLUSION

Advancing Justice and its partners are grateful for the opportunity to provide this analysis and offer recommendations. We commend election officials for working to meet the needs and rights of LEP voters and we recognize the efforts made in preparation for the 2012 elections. At the same time, Advancing Justice urges election officials to recognize that further improvements can and should be made and endeavor to advance the provision of translated elections materials; increase bilingual poll worker recruitment and retention; improve the quality of language assistance at the polls; establish formal advisory committees and bilingual outreach staff; and forge partnerships with community leaders.

Comprehensive and effective Section 203 coverage will only become more critical to the success of future elections, especially after new Section 203 determinations are released in 2016. Advancing Justice looks forward to working with election officials to make the elections process accessible for all voters.

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## APPENDICES

### Appendix A: Profiles of Participating Organizations

The mission of Asian Americans Advancing Justice (Advancing Justice) is to promote a fair and equitable society for all by working for civil and human rights and empowering Asian Americans and Pacific Islanders and other underserved communities.

**Advancing Justice** comprises the following members:

Founded in 1991, **Advancing Justice-AAJC** works to advance the human and civil rights of Asian Americans, and build and promote a fair and equitable society for all. Advancing Justice-AAJC is one of the nation's leading experts on issues of importance to the Asian American community including: affirmative action, anti-Asian violence prevention/race relations, census, immigrant rights, immigration, language access, television diversity and voting rights. Visit: [www.advancingjustice-aaajc.org](http://www.advancingjustice-aaajc.org).

**Advancing Justice-Asian Law Caucus** was founded in 1972 as the nation's first legal and civil rights Asian American organization. Recognizing that social, economic, political and racial inequalities continue to exist in the United States, Advancing Justice-ALC is committed to the pursuit of equality and justice for all sectors of our society, with a specific focus directed toward addressing the needs of low-income, immigrant and underserved Asian Americans and Pacific Islanders. Visit: [www.advancingjustice-alc.org](http://www.advancingjustice-alc.org).

**Advancing Justice-Chicago's** mission is to empower the Asian American community through advocacy, by utilizing education, research and coalition building. Advancing Justice-Chicago was established in 1992 by a group of visionary Chicago community activists, academicians and business leaders in response to the growing need to

build a pan-Asian policy agenda among Chicago's diverse Asian American communities. Advancing Justice-Chicago projects a united voice on the most pressing issues of concern to Asian Americans in metropolitan Chicago. Its staff and board work closely with a broad network of established community leaders and emerging activists who have bridged ethnic and cultural differences to find solutions to shared concerns. Visit: [www.advancingjustice-chicago.org](http://www.advancingjustice-chicago.org).

**Advancing Justice-Los Angeles** is the nation's largest legal and civil rights organization for Asian Americans, Native Hawaiians and Pacific Islanders (NHPI). Founded in 1983, Advancing Justice-Los Angeles serves more than 15,000 individuals and organizations every year. Through direct services, impact litigation, policy advocacy, leadership development and capacity building, Advancing Justice-Los Angeles focuses on the most vulnerable members of Asian American and NHPI communities while also building a strong voice for civil rights and social justice. Advancing Justice-Los Angeles is based in downtown Los Angeles, with satellite offices in Orange County and Sacramento. Visit: [www.advancingjustice-la.org](http://www.advancingjustice-la.org).

#### Local Partners

**Asian American Civic Association** (Quincy, MA) has been operating since 1967, and is a multi-service, multi-generational center that provides all immigrants and economically disadvantaged people with education, occupational training and social services that enables their clients to realize lasting economic self-sufficiency.

**Asian and Pacific Islander American Vote-Michigan** (Hamtramck, MI) is a non-partisan organization that serves the Asian Pacific islander American community through civic participation, advocacy and education.

Over the past 34 years, the **Asian Law Alliance** (Santa Clara County, CA) has helped tens of thousands of people obtain decent housing, justice in the immigration process and access to basic human and legal rights.

**Asian Pacific American Labor Alliance-NV Chapter** (Clark County, NV) is a chapter of the Asian Pacific American Labor Alliance, AFL-CIO (APALA). Founded in 1992, APALA is the first and only national organization of Asian Pacific American (APA) union members. Since its founding, APALA has played a unique role in addressing the workplace issues of its 660,000 APA union members and has served as the bridge between the broader labor movement and the APA community. Backed with strong support of the AFL-CIO, APALA has 13 chapters and pre-chapters, and a national office in Washington, DC.

Established in 1980, **Asian Resources Inc.** (Sacramento, CA) is a nonprofit community based organization dedicated to empowering disenfranchised communities by assisting them in becoming proactive citizens and achieving self-sufficiency. ARI is committed to providing a wide spectrum of social services to the low-income and limited English speaking youth, immigrant and refugee communities in Sacramento, as well as re-entry clients.

The mission of the **Korean American Civic Empowerment** (KACE) (Bergen County, NJ) is to empower the Korean American community by promoting civic participation. KACE is devoted to empowering and mobilizing the Korean American community to take action locally, nationally and internationally to address concerns of the community. KACE conducts joint and cooperative civic actions among Korean Americans to advocate for the voting rights for Korean Americans in the Greater New York area, educate

and cultivate future community leaders, strengthen the Korean American community's solidarity with Korea, and serve as the central coordination and resource body to address community concerns and interests.

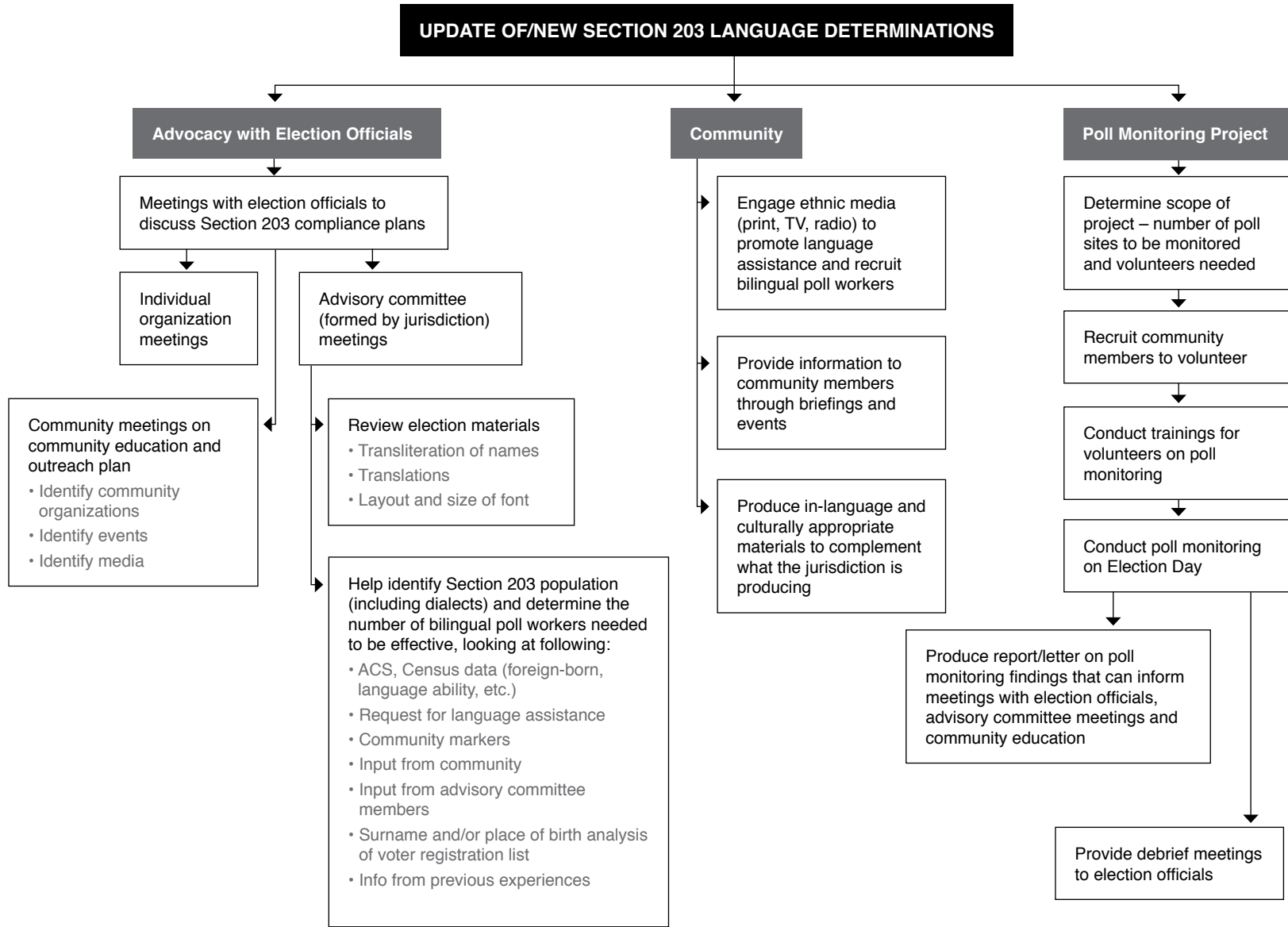
**Outreach Strategists, LLC** (Harris County, TX) is a global communications and public affairs firm with an extensive background in government, politics and media. Outreach Strategists specializes in domestic and international public relations, conflict solutions, proactive business development and communications.

**OneAmerica** (King County, WA) advances the fundamental principles of democracy and justice at the local, state and national levels by building power within immigrant communities in collaboration with key allies. OneAmerica's primary goals include increasing and enhancing the participation of immigrants in civic life; winning positive policy change for immigrant communities locally and nationally; improving the public climate for immigrant communities locally and nationally; and increasing the capacity of immigrant organizations across the state to lead and advocate for change.

**Southwest Center for Asian Pacific American Law** (SCAPAL) (San Diego, CA) is a nonprofit law center formed to advocate for the rights of those who do not have adequate access or understanding of the legal system. SCAPAL provides legal assistance and guidance about the law through advocacy, research and policy analysis and education and focuses its efforts on educating and empowering San Diego's Asian Pacific Islander community on their legal rights.



## Appendix B: Section 203 Organizational Advocacy Flowchart



## Appendix C: Jurisdictions and Precincts Monitored

Jurisdictions	Asian Language Groups Covered	Precincts Monitored
Alameda County (Advancing Justice-ALC)	Chinese, Filipino,* Vietnamese*	120
Sacramento County (Advancing Justice-ALC and ARI)	Chinese*	34
San Francisco County (Advancing Justice-ALC)	Chinese	159
San Mateo County (Advancing Justice-ALC)	Chinese	46
Los Angeles County (Advancing Justice-Los Angeles)	Asian Indian,* Cambodian,* Chinese, Filipino, Japanese, Korean, Thai,* Vietnamese	162
Orange County (Advancing Justice-Los Angeles)	Chinese, Korean, Vietnamese	68
Santa Clara County (ALA)	Chinese, Filipino, Vietnamese	49
San Diego County (SCAPAL)	Chinese,* Filipino, Vietnamese* <sup>29</sup>	67
Cook County (City of Chicago and Suburban Cook County) (Advancing Justice-Chicago)	Chinese, Asian Indian*	76
Quincy, MA (AACA)	Chinese*	5
Hamtramck, MI (APIA Vote-MI)	Bangladeshi*	3
Bergen County, NJ (KACE)	Korean*	15
Harris County, TX (Outreach Strategists)	Chinese,* Vietnamese	29
King County, WA (OneAmerica)	Chinese, Vietnamese*	5

\*Denotes a newly covered Section 203 language group as of 2011

## Appendix D: Suggested Implementation Checklist for Jurisdictions Covered by Section 203 of Voting Rights Act

The following is a list of best practices that Asian Americans Advancing Justice (Advancing Justice) believes jurisdictions should consider adopting to ensure that the language assistance they provide pursuant to Section 203 “enable[s] members of applicable language minority groups to participate effectively in the electoral process.” 28 CFR § 55.2(b). These best practices are categorized into four categories: written materials; publicity and outreach; poll worker targeting, recruitment and training; and general practices.

Advancing Justice and its partner organizations share with election officials the goal of making the voting process accessible to all members of the electorate. Advancing Justice believes that election officials will enhance their ability to provide effective language assistance in compliance with Section 203 if they work with community-based organizations (CBOs) working with and/or serving language minority voters.

### I. Written Materials

- A. Conduct comprehensive review of election materials to identify materials that should be (or still need to be) translated, including but not limited to the following:
  1. Ballots;
  2. Sample ballot booklets;
  3. Vote-by-mail or absentee materials;
  4. Provisional ballot materials;
  5. Voter registration forms;
  6. Poll worker name badges;
  7. Polling place signs;
  8. Voter information guides; and
  9. Election officials’ website.
- B. Ensure accurate translations of election materials:
  1. Use a certified translation vendor;
  2. Provide opportunities for CBOs to review drafts of translated materials; and
  3. Work with CBOs and ethnic media to establish a glossary of commonly used election terms.
- C. For character-based languages, ensure complete translation of ballot information by using translations, including phonetic translations (transliterations), of candidate names.

<sup>29</sup> Although San Diego County now must provide assistance in Vietnamese, the county first did so in 2004 pursuant to a consent decree with DOJ.

## II. Publicity and Outreach

### A. Use ethnic media to publicize the availability of language assistance:

1. Ask ethnic media outlets to run public service announcements;
2. Work with CBOs to identify earned media opportunities; and
3. Add ethnic media outlets to press lists.

### B. Conduct outreach to community members:

1. Form partnerships with CBOs to publicize the availability of language assistance, and
2. Send outreach staff to community events and gathering places.

### C. Conduct direct outreach to language minority voters:

1. Mail in-language postcards to voters within a covered language minority group to let them know about the option to receive translated election materials prior to Election Day.

## III. Poll Worker Targeting, Recruitment and Training

### A. If targeting poll sites for language assistance, use sound methodology for identifying poll sites where language assistance is needed:

1. Consult with CBOs on methodology for poll site targeting; and
2. Use a variety of methods to identify poll sites, including place of birth, name matching, Census data, requests for language assistance, and information provided by community members.

### B. Ensure adequate recruitment of bilingual poll workers:

1. Form partnerships with other government agencies and departments within the jurisdiction to identify and recruit bilingual government employees;
2. Explore partnerships with high schools and colleges to recruit bilingual students;
3. Ask ethnic media outlets to run public service announcements to let the public know about opportunities to serve as poll workers;
4. Explore partnerships with CBOs to recruit bilingual poll workers through community outreach efforts; and
5. Establish a reserve pool of bilingual poll workers to be sent to poll sites where bilingual poll workers are missing on Election Day.

### C. Ensure adequate training of poll workers on language assistance and cultural sensitivity:

1. Devote sufficient time and emphasis during trainings to the proper delivery of language assistance and cultural sensitivity;
2. Provide CBOs with opportunities to review and comment on drafts of poll worker training curricula;
3. Provide CBOs with opportunities to observe poll worker trainings; and
4. Allow CBOs to conduct presentations and workshops as part of poll worker trainings to help educate poll workers on the communities they will be serving.

### D. Establish mechanism for handling complaints about poll workers lodged by language minority voters, including addressing Election Day problems on-the-spot as well as post-Election Day counseling of poll workers.

## IV. General Practices

### A. Establish an advisory committee consisting of CBOs working with and/or serving language minority voters.

### B. Hire election staff, such as a language minority coordinator, to coordinate the jurisdiction's efforts to meet its Section 203 requirements.

### C. Set up an Election Day troubleshooter team to check poll sites for, and resolve, issues such as missing bilingual poll workers or translated materials.

### D. Add multilingual capacity to the jurisdiction's voter hotline.



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