

**Asian American Legal Defense
And Education Fund**

ASIAN AMERICAN ACCESS TO DEMOCRACY IN THE 2004 ELECTIONS

**Local compliance with the Voting Rights Act
and Help America Vote Act (HAVA)
in NY, NJ, MA, RI, MI, IL, PA, VA**

AUGUST 2005

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The Asian American Legal Defense and Education Fund (AALDEF), founded in 1974, protects and promotes the civil rights of Asian Americans through litigation, legal advocacy, and community education in the areas of immigrant rights, civic participation and voting rights, economic justice for workers' rights, racially-motivated violence and police misconduct, youth rights and educational equity, affirmative action, and language rights.

This report was written by AALDEF Staff Attorney Glenn D. Magpantay, with the assistance of Margaret Fung and Nancy W. Yu. AALDEF thanks the many volunteer attorneys, law students, interns, and members of the co-sponsoring organizations for their assistance in monitoring the elections.

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I. INTRODUCTION

Like many minority voters in Florida in 2000, Asian Americans across the nation have encountered a range of discriminatory barriers when they exercise their right to vote. In 2000 in New York, mistranslated ballots flipped the party headings so that Democrats were listed as Republicans and vice versa; in San Francisco, a lack of interpreters resulted in limited English proficient Asian American voters being turned away; and in Los Angeles, translated materials were hidden from voters. In many states, Asian American voters faced hostile poll workers and outright discrimination.

Over the past fifteen years, the Asian American Legal Defense and Education Fund (AALDEF) has monitored elections for anti-Asian voter disenfranchisement, compliance with the Language Assistance Provisions (Section 203) of the federal Voting Rights Act, and, most recently, implementation of the Help America Vote Act (HAVA). Section 203 requires Asian language ballots and interpreters in covered jurisdictions. HAVA requires identification of certain first-time voters and provisional ballots for voters who may otherwise be prevented from voting.

This report reviews our observations from monitoring the 2004 Presidential Elections on November 2, 2004 in twenty-three cities in eight states. Over 1,200 volunteer attorneys, law students, and community volunteers monitored almost 200 poll sites and surveyed nearly 11,000 Asian American voters, in 23 Asian languages and dialects, at 80 poll sites. We observed first-hand a number of problems and also received complaints from Asian American voters, interpreters, and other poll workers.

Although local election officials have worked hard to comply with federal laws and provide assistance to voters, in 2004, we found the following obstacles:

- Limited English proficient Asian Americans had much difficulty in voting. Language assistance, such as interpreters or translated voting materials, if any, was far from adequate. Some poll workers were completely unaware of their responsibilities under the Voting Rights Act or outright refused to make language assistance available to voters.
- Poll workers were rude, hostile, and made racist remarks toward Asian American and limited English proficient voters.
- Voters' names were missing from voter roll books, often due to faulty processing or mishandling of voter registration forms. Many were simply turned away.
- Although HAVA requires that these voters be offered provisional ballots, poll workers denied voters this right. Even when provisional ballots were offered, many were not counted.
- Poll workers made improper or excessive demands for identification – often only from Asian American voters – and misapplied HAVA's ID requirements.
- Inadequate notice of poll sites, misdirection to voting booths, and long lines created much confusion, and some voters left, too frustrated to vote.
- Poorly trained poll workers led to chaotic poll sites and election officials did not know what to do when voters did not receive their absentee ballots.

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

II. BACKGROUND

A. Legal Background

1. The Voting Rights Act

Voting is a fundamental Constitutional right.ⁱ Democracy works best when all voters understand how to participate in the electoral process. Equal access and opportunity to vote are the first steps towards safeguarding the fundamental right to vote.

In the early 1970s, Congress found that limited English proficiency was a serious barrier to the political participation of Asian Americans, Latinos, Alaskan Natives, and Native Americans. Asian American citizens were registered to vote at much lower rates than non-Hispanic whites.ⁱⁱ As a result, Congress adopted the language assistance provisions of the Voting Rights Act in 1975, and reauthorized them in 1982 and 1992. In enacting these provisions, Congress found that:

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

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

Section 203 covers counties when the census finds 5% or more than 10,000 voting-age (over 18 years old) citizens who speak the same Asian, Hispanic, or Native American language have limited English proficiency, and, as a group, have a higher illiteracy rate than the national illiteracy rate.^{iv}

Section 203 was amended in 1992 to include the numeric approach because very few jurisdictions provided assistance in Asian languages. After the expansion, ten counties in New York, California, and Hawai'i were covered for Asian language assistance. After the 2000 Census, sixteen counties in seven states were required to provide Asian language assistance.^v These states include Alaska, California, Hawai'i, Illinois, New York, Texas, and Washington.^{vi}

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

2. The Help America Vote Act

Following the presidential election debacle in Florida in 2000, Former Presidents Gerald Ford and Jimmy Carter co-chaired the National Commission on Federal Election Reform. The Commission's Report, *To Assure Pride and Confidence in the Electoral Process*

(August 2001), laid the basis and findings for the Help America Vote Act (HAVA), which Congress enacted in December 2002.

Credit: Joseph Hsu, World Journal



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

HAVA contains mandates that require identification of certain new voters.^{ix} Identification is required of first-time voters who registered by mail after January 1, 2003. The 2004 elections were the first elections in which almost all of HAVA's voter requirements were applied in full force.

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

B. AALDEF Voting Rights Program

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

1. History

The Asian American Legal Defense and Education Fund has monitored elections since the 1980s and every year its efforts have expanded to include emerging Asian ethnic groups and new locations and states.

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

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

In 1992, AALDEF was the only Asian American group to present testimony before the U.S. House of Representatives Judiciary Committee on expanding the Language Assistance Provisions of the Voting Rights Act.^{xi} As a result, in 1994, New York City was

newly covered under Section 203 and AALDEF successfully advocated for the nation's first fully translated machine ballots in any Asian language.

In 1996, AALDEF expanded its efforts in New York City to include other areas not covered under Section 203 for Asian language assistance, such as predominately South Asian neighborhoods.

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

In 2002, AALDEF's exit poll was expanded to four states: New York, New Jersey, Massachusetts, and Michigan surveying 3,500 voters in the congressional mid-term elections. In Michigan, AALDEF monitored a consent decree between the U.S. Department of Justice and the City of Hamtramck to remedy past voting discrimination. In New Jersey, AALDEF assessed the impact of anti-Asian racial appeals made in local elections.

2. Election Protection 2004

On November 2, 2004, AALDEF monitored 167 poll sites^{xii} in 23 cities in 8 states – New York, New Jersey, Massachusetts, Rhode Island, Michigan, Illinois, Pennsylvania, and Virginia.^{xiii} Of these 167 poll sites, volunteer attorneys inspected 88 sites in New York City that were specifically targeted for language assistance under Section 203.

AALDEF also surveyed 10,789 Asian American voters, in 23 Asian languages and dialects,^{xiv} about their experiences in voting.^{xv} Almost 1,200 volunteer attorneys, law students, and members of the co-sponsoring organizations observed first-hand a number of problems and received 600 complaints from Asian American voters, interpreters, and poll workers. The exit poll and poll site monitoring documented incidents of anti-Asian voting disenfranchisement and the need for voluntary language assistance.

AALDEF staffed a multilingual telephone hotline to answer voter questions and record complaints of voting problems. Operators spoke eight languages and dialects: English, Cantonese, Mandarin, Toisan, Korean, Tagalog, Hindi, and Punjabi.

Whenever serious problems arose on Election Day, AALDEF attorneys immediately contacted local election officials to remedy the situations and the national 1-888-OUR VOTE hotline to report the incidents. In this effort, AALDEF joined with the national Election Protection Project of the Lawyers Committee for Civil Rights and People for the American Way.

Monitoring of the elections extended beyond Election Day. Over the summer leading up to November 2, we observed trainings for poll workers. We also monitored voter notification and education efforts.

3. New Initiatives in 2004

In 2004, AALDEF launched four new initiatives to invigorate the Asian American vote.

Expanded Voter Registration – AALDEF partnered with the national APIA Vote Coalition to spearhead local efforts to register new voters. We helped organize the Asian Pacific American Voting Alliance (APAVA) to conduct summer voter registration drives in Asian American neighborhoods. Every week throughout the year, AALDEF registered new voters in New York City after naturalization swearing-in ceremonies. In 2004, AALDEF registered over 2,400 new voters.

Young Voter Mobilization – AALDEF partnered with Asian American Raise Your Voice (AARYV) to sponsor local concerts featuring up and coming Asian American musicians to encourage more young people to vote.

Voter Registration Education – In response to HAVA, AALDEF developed informational brochures in English, Chinese, and Korean on the new requirements for voter registration and new voter identification requirements and provided ways for voters to ensure that their applications were correctly entered by election personnel.

Legal Advice and Trainings – AALDEF conducted 16 voter protection workshops and trainings, reaching over 1,000 community leaders, lawyers, and students. AALDEF also provided free legal advice on voting matters and maintained a 24-hour voter registration and legal advice phone number for volunteers and community groups to call and have questions answered on the spot.

4. Election Reform Advocacy

AALDEF worked with many groups to monitor implementation of HAVA's new requirements, encourage ways to mitigate the potential for discriminatory enforcement of HAVA's ID provisions, and advance other election reforms that were not sufficiently addressed in HAVA.

AALDEF was a leading member of several local coalitions in New York, New Jersey, and Massachusetts, working with the New York Public Interest Research Group, Common Cause, The Brennan Center for Justice at NYU, Dēmos, New Jersey Appleseed, Citizen Action, League of Women Voters, NAACP chapters, the Lawyers Committee for Civil Rights, and MassVOTE.

In protecting minority voting rights, since 2000, AALDEF has been a member of the New York Voting Rights Consortium, which includes the NAACP Legal Defense Fund, Puerto Rican Legal Defense and Education Fund, Center for Law and Social Justice, and Community Service Society.

5. After Election Day 2004

AALDEF received more than 600 complaints of voting problems. In the weeks after the elections, AALDEF followed up with every voter to confirm the incidents, obtain more details, and inquire about any new developments, such as notices that voters' ballots were not counted.

AALDEF also compared records in official databases of registered voters with information from voters who reported specific problems on Election Day to confirm the complainants' registrations, assigned poll sites, and whether their votes were counted.

AALDEF sent complaint letters to election officials in each of the eight states. These letters reviewed the most significant problems in detail and offered concrete recommendations for improvements. This report highlights the most widespread and egregious barriers Asian American voters encountered during the 2004 Elections.



Credit: Benjamin Yuh

AALDEF EXIT POLL RESULTS – Nov. 2, 2004

All Voters Surveyed	First-Time Voter	Foreign Born	No Formal US Education	English as Native Language	Limited English Proficient	Largest Asian Populations
10,789	38%	82%	29%	14%	41%	46% Chinese 25% South Asian¹ 14% Korean 6% Southeast Asian² 5% Filipino

STATE						
New York	36%	84%	34%	14%	46%	56% Chinese 24% South Asian 13% Korean 4% Filipino
New Jersey	35%	85%	18%	11%	23%	39% Asian Indian 24% Korean 20% Chinese 13% Filipino
Massachusetts	42%	84%	22%	6%	55%	47% Chinese 28% Vietnamese 15% Cambodian
Rhode Island	45%	61%	4%	21%	25%	84% Southeast Asian 11% Filipino
Illinois	37%	77%	25%	12%	37%	48% Korean 21% South Asian 13% Chinese 9% Filipino
Michigan	64%	50%	16%	29%	18%	27% Arab 19% Bangladeshi 19% Chinese
Virginia	35%	77%	16%	21%	22%	29% Southeast Asian 25% South Asian 15% Chinese 12% Korean
Pennsylvania	43%	68%	36%	13%	43%	81% Chinese 13% Southeast Asian

ETHNIC GROUP						
Chinese	37%	79%	37%	10%	52%	N/A
Korean	35%	87%	31%	10%	59%	N/A
Filipino	27%	75%	17%	22%	5%	N/A
South Asian	42%	88%	17%	20%	19%	52% Indian 18% Bangladeshi 15% Pakistani 14% Indo-Caribbean
Southeast Asian	46%	85%	21%	6%	47%	53% Vietnamese 22% Cambodian 7% Thai 7% Laotian 4% Hmong

¹ Includes Asian Indian, Bangladeshi, Pakistani, Indo-Caribbean, Sri Lankan, and Nepalese.

² Includes Vietnamese, Cambodian, Laotian, Hmong, Thai, Indonesian, Burmese, and Malaysian

III. FINDINGS AND OBSERVATIONS

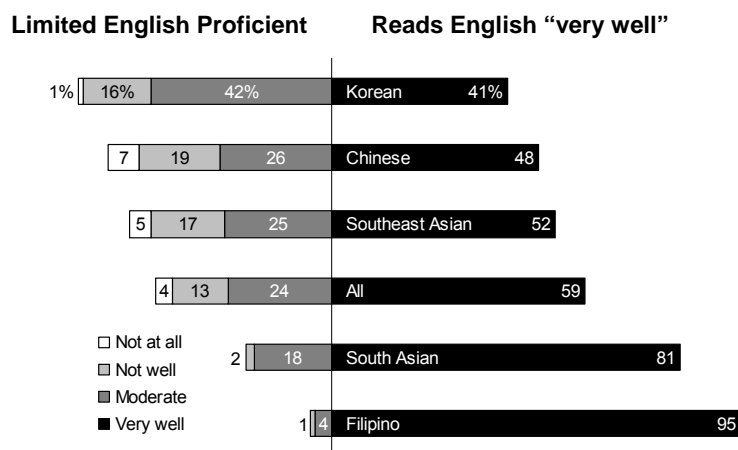
In AALDEF's survey, more than a third (38%) of all respondents stated that the November 2004 elections were the first U.S. elections in which they had voted. Unfortunately, Asian Americans had to overcome many barriers to exercise their right to vote, including (A) the lack of language assistance; (B) rude, hostile, and racist poll workers; (C) incomplete voter lists and denials of provisional ballots; (D) improper identification checks; (E) poll site confusion; and (F) poorly trained poll workers and elections officials.

AALDEF Voter Survey, November 2, 2004

Complaint/ Problem	Voters
Name not on list of registered voters	371
Voted by provisional ballot	577
Poll workers were discourteous/hostile	126
Poll workers poorly trained	239
No interpreters	367
Directed to wrong poll site/precinct voting booth	185
Broken voting machine	117

A. Language Assistance

Limited English proficient Asian Americans had much difficulty in voting. In AALDEF's survey, 82% of all respondents were foreign born naturalized citizens. 29% had no formal education in the United States^{xvi} and only 14% identified English as their native language. 41% were limited English proficient,^{xvii} of which over a third (37%) were first-time voters.



Language assistance, such as interpreters or translated voting materials, if any, was far from adequate. Notwithstanding federal mandates, poll workers were cavalier in providing language assistance to voters. In our survey, 367 Asian American voters complained that there were no interpreters available.

1. Compliance with Section 203 (Mandatory Language Assistance)

The Language Assistance Provisions of the Voting Rights Act cover parts of New York City. Chinese language ballots, voting materials, and oral assistance are required at poll sites in Queens, Brooklyn (Kings County), and Manhattan (New York County), and Korean assistance in Queens. Notwithstanding positive efforts by the NYC Board of Elections, there have been many shortcomings in compliance.

a. Translated Voting Materials and Signs Missing

Section 203 requires the translation and posting of all voting signs and materials. More than a third of Chinese and half of Korean American voters surveyed required the

assistance of translated materials. However, many poll sites and election districts did not have any Chinese and Korean language signs and materials or did not use them effectively.

For example, the multilingual “New York State Voter Bill of Rights” sign, which was also required under HAVA, was missing from half of the poll sites inspected. Translated “Interpreter Available” signs, provisional ballot envelopes, and instructions in how to vote were frequently missing or not visible to voters. Poll workers had little knowledge of the legal requirement to display translated voting materials.

Credit: Joseph Hsu, World Journal



Voters had to make affirmative requests for materials, usually in English, and somehow had to know in advance that translated voting materials even existed. In Flushing, a poll worker did not take the materials out of the supply kits because “no one had asked for the translated materials.” In Jackson Heights, poll workers commented that there were too many bilingual materials on the tables, saying “If they need it, they can ask for it.”

b. Interpreter Shortages

Oral language assistance is also needed to help limited English proficient voters vote. Indeed, well above a third of all Chinese and a third of Korean American voters surveyed required the assistance of interpreters.

In past New York City elections, many poll sites did not have adequate numbers of interpreters. In 2003, about one out of three assigned interpreters did not show up on Election Day. There was much improvement in 2004. Of the 476 interpreters assigned to poll sites observed, ninety percent showed up on the day of the election.

While most poll sites had the minimum number of interpreters, some did not have enough to help all the Asian American voters who needed language assistance. For example, several elderly Korean American voters at one site in Flushing left because there were no interpreters to translate and explain where to go and how to cast their ballots.

Three poll sites that were targeted for language assistance had no interpreters at all. In Jackson Heights, a Chinese American voter who asked for language assistance was directed to a Korean interpreter, who could not help. In Brooklyn, site coordinators harassed the Chinese interpreters and were rude toward Asian American voters.

AALDEF EXIT POLL – Language Groups

State - Locality	Language Minority Group	First Time Voter	Limited English Proficient	Needed Inter- preter	Needed Translated Materials
New York					
- Manhattan	Chinese	34%	56%	41%	39%
- Queens	Chinese	34%	51%	29%	31%
	Korean	35%	67%	34%	49%
	Bangladeshi	50%	31%	26%	24%
	Pakistani	44%	21%	26%	19%
- Brooklyn	Chinese	44%	67%	48%	47%
	Bangladeshi	55%	43%	33%	33%
	Pakistani	49%	41%	29%	35%
New Jersey					
- Bergen Co.	Korean	35%	55%	21%	33%
- Middlesex Co.	Indian	40%	13%	20%	19%
	Chinese	31%	26%	12%	14%
Massachusetts					
- Boston	Chinese	36%	65%	43%	52%
- Dorchester	Vietnamese	45%	74%	60%	55%
- Lowell	Cambodian	62%	41%	37%	34%
- Quincy	Chinese	32%	46%	16%	22%
Rhode Island					
- Providence	Cambodian	39%	36%	23%	15%
Illinois					
- Cook Co.	Korean	31%	59%	22%	37%
Michigan					
- Dearborn	Arab	38%	6%	28%	27%
- Hamtramck	Bangladeshi	42%	59%	26%	33%
	Arab	46%	38%	30%	24%
Virginia					
- Falls Church	Vietnamese	59%	55%	29%	24%
- Annandale	Vietnamese	36%	43%	29%	29%
Pennsylvania					
- Philadelphia	Chinese	42%	44%	25%	31%

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

Across the nation, voters have the right to be assisted by persons of their choice under Section 208 of the Voting Rights Act. These individuals may accompany the voters inside the voting booth to render assistance. The only exception under this federal law is that they may not be the voters' union representatives or employers. Poll workers, however, frustrated this right.

In Edison, NJ and Lowell, MA, poll workers would not allow voters to bring anyone into the voting booth. In New York, poll workers only allowed voters to be assisted by official Board of Elections interpreters, even when voters wanted to be assisted by their spouses or adult children.

In Flushing, NY a poll worker interrupted a voter and the voter's daughter as they were both inside the voting booth. The poll worker told the daughter to leave as the daughter was assisting her mother operate the voting machine. In Jackson Heights, NY, several white voters harassed Asian Americans and yelled, "You can't have anyone go inside the booth with you!"

3. Voluntary Language Assistance

Many states and localities with large and growing Asian American populations are not required to provide language assistance under federal law. In every state where AALDEF conducted poll monitoring, limited English proficient voters complained about the lack of assistance.

a. New York: Bengali and Urdu

New York City has one of the most diverse populations in the nation. According to the 2000 census, the Bangladeshi population increased 471% numbering over 28,000. 60% of Bangladeshis were limited English proficient. The Pakistani population increased 154% numbering over 34,000. 48% were limited English proficient. More and more Bangladeshi and Pakistani voters are becoming citizens, but they faced a number of difficulties in participating in the political process.

In AALDEF's survey, about 40% of Pakistani and Bangladeshi voters surveyed in Brooklyn were limited English proficient. A third stated that they needed the assistance of interpreters or translated voting materials in Urdu and Bengali in order to vote. Bangladeshi voters in Queens stated the same.

b. New Jersey: Korean, Chinese, and Gujarati

The Asian American population in New Jersey has doubled since 1990, numbering over half a million. According to the census, there are 37,000 Koreans in Bergen County and 23,000 Chinese and 57,000 Indians in Middlesex County. However, no Asian languages are covered under Section 203 in any county in the state. As a result, many Asian Americans with limited English proficiency in New Jersey had difficulty participating in the political process.

Among Korean American voters surveyed in Bergen County, more than half were limited English proficient. More than a quarter needed interpreters or translated materials in order to vote. Among all Asian American voters surveyed in Middlesex County, 50% were Asian Indian and 29% were Chinese. Among the Indian voters, 13% were limited English proficient. About one in five needed interpreters or translated materials to vote. Among the Chinese American voters, a quarter were limited English proficient.

Bergen election officials provided Korean language voting instructions and interpreters at some poll sites. Though commendable, such efforts were insufficient. Several voters complained that more Korean bilingual poll workers were needed. Likewise, Cantonese and Gujarati speaking voters in Edison also reported the need for interpreters in their respective languages.

c. Massachusetts: Chinese, Vietnamese, and Khmer

The Asian American population in Massachusetts has grown by 68% since 1990, numbering over a quarter million. In Boston, the Asian population increased almost fifty percent with about 19,000 Chinese and 10,000 Vietnamese Americans. Lowell has almost 10,000 Cambodian Americans, which comprise almost a third of the City's entire

population. Groups like the Chinese Progressive Association, Vietnamese American Initiative for Development, and Family Unity of Lowell have long worked to increase Asian American voting participation.

Among Chinese American voters in Chinatown, two-thirds were limited English proficient. About half needed interpreters or translated materials to vote. Among Vietnamese voters in Dorchester, three-quarters were limited English proficient. The majority needed interpreters or translated materials. Among Cambodian voters in Lowell, 44% were limited English proficient. More than a third needed interpreters or translated materials.

The lack of language assistance prevented one elderly Vietnamese first-time voter in Dorchester from voting. This voter was limited English proficient. Thus, the poll worker was not able to adequately explain his demand for identification from the voter, would not accept the voter's United States passport as proper identification (a completely legitimate form of ID), and failed to offer the voter a provisional ballot. Even after our poll monitor intervened, the poll worker refused to comply with the request for a provisional ballot. Instead, the poll worker directed the voter to return to the poll site with an English-speaking relative. This voter never voted.

While the City provided translated voting instructions and interpreters, these were not always available at poll sites where they were needed. In Dorchester, Vietnamese instructions in how to vote were not posted and were hidden under piles of other voting materials.

d. Rhode Island: Khmer and Vietnamese

The Southeast Asian American population in Rhode Island is comparatively small, but it is growing and the community faces many voting barriers. Groups like the Providence Youth and Student Movement have worked to combat other issues like educational inequity, police violence, and poverty.

Among Cambodian voters in Providence, a third were limited English proficient, and almost a quarter needed the assistance of interpreters in order to vote. One limited English proficient voter specifically complained about the lack of Hmong interpreters and translated materials.

The lack of language assistance may have resulted in the low turnout of Asian American voters. While overall voter turnout was robust in Rhode Island, there were fewer Asian Americans coming out to vote. Had language assistance been provided, more Southeast Asians would have voted.

e. Illinois: Korean

The Greater Chicago Area has the nation's third largest Korean American population, after Southern California and New York. With the help of the Korean American Resource and Cultural Center, the county voluntarily provided some assistance, such as translations of instructions in how to vote and voter guides. Yet such efforts did not adequately address the great need for assistance.

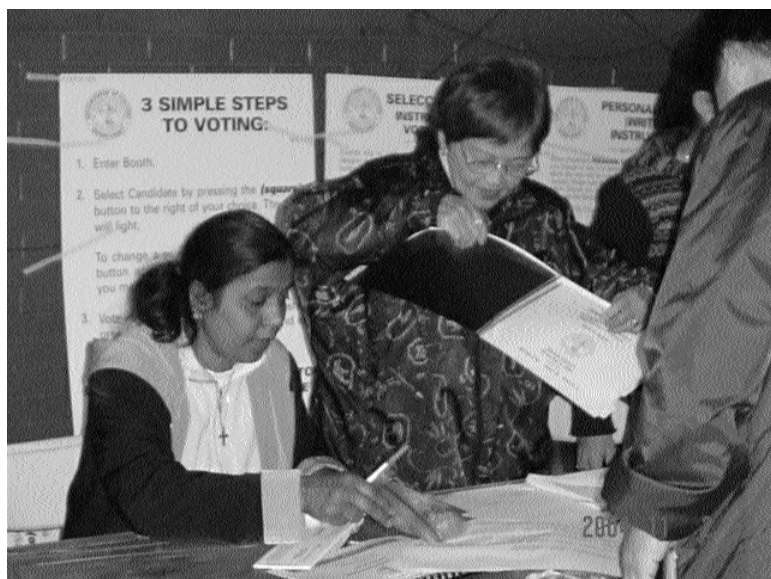
Among Korean American voters, more than half were limited English proficient. About a third needed interpreters or translated materials. Limited English proficiency rates for Korean American voters were higher than the overall average for all Asian American voters surveyed in Cook County.

South Asian voters also faced difficulties. One limited English proficient voter in the Devon area in Chicago was unable to complete the ballot on her own until assisted by

other voters fluent in her native language. Voters also complained about the lack of Hindi and Gujarati interpreters and voting materials at other sites in the neighborhood.

f. Michigan: Bengali and Arabic

Pursuant to a consent decree by the U.S. Department of Justice for past voting discrimination and racial profiling at the polls in violation of Section 2 of the Voting Rights Act, the City of Hamtramck was required to provide Bengali and Arabic language assistance and translated voter notices.^{xviii}



Credit: India Abroad

Among Bangladeshi voters in Hamtramck, more than half were limited English proficient. About 30% needed interpreters or translated materials. Among Arab voters, more than a third were limited English proficient. About a quarter needed interpreters or translated materials. These rates were far higher than the average of all Asian American voters surveyed in Michigan.

At one poll site in Hamtramck, even though one Arabic and one Bengali interpreter were supposed to be available, when they went to lunch, there was no one to assist voters. During this time, one voter complained that no translated ballots were provided to him as a substitute for oral assistance.

g. Virginia: Vietnamese

The Asian American population in Virginia has grown by 62% since 1990, numbering more than a quarter million. In Fairfax County, the Vietnamese population has doubled, numbering about 20,000. The Asian Pacific American Legal Resource Center has a language rights project that expands language assistance to government services.

Among Vietnamese voters in Falls Church, more than half were limited English proficient. About a quarter needed interpreters or translated materials. Among Vietnamese voters in Annandale, almost half were limited English proficient. Almost a third needed interpreters or translated materials. Limited English proficiency rates for Vietnamese American voters were higher than the overall average for all Asian American voters surveyed in Northern Virginia.

At one site in Falls Church, poll workers played an instructional video in Vietnamese throughout the day. Although this video was useful, voters also needed interpreters at poll sites here and elsewhere. In Annandale, one voter complained of the total absence of Vietnamese interpreters.

h. Pennsylvania: Chinese, Vietnamese, and Khmer

The Asian American population in Pennsylvania has nearly doubled since 1990, numbering almost a quarter million. In Philadelphia, the Chinese population numbers about 18,000 and the Vietnamese population 11,600. Among Chinese American voters in Philadelphia, almost half were limited English proficient. More than a quarter needed interpreters or translated materials.

Chinese American voters in Chinatown and Vietnamese voters in South Philadelphia specifically complained about the absence of interpreters and voting materials. While one poll site in the heart of Philadelphia's Chinatown had bilingual poll workers, most did not. At least nine Chinese and Vietnamese limited English proficient voters needed help and had no one who could assist them.

In North Philadelphia, the Cambodian Association of Greater Philadelphia received complaints that many newly registered Cambodian American voters had difficulty finding their poll sites and in dealing with poll workers due to the lack of language assistance.

Although Section 203 does not cover any of these jurisdictions and languages, localities should voluntarily provide language assistance to expand access to the vote. HAVA also provides federal money to make the vote more accessible to language minorities. Jurisdictions should seek funding under HAVA to translate the voter registration forms, voter guides, ballots and other voting materials, as well as hire bilingual poll workers.

B. Rude, Hostile, and Racist Poll Workers

Poll workers were rude and hostile and made racist remarks toward Asian American and limited English proficient voters. In our survey, 126 Asian American voters complained that poll workers were "discourteous/hostile."

A number of poll workers made derogatory remarks and gestures.

Richmond Hill, NY – The poll site coordinator said, "I'll talk to [Asian voters] the way they talk to me when I call to order Chinese food," and then said random English phrases in a mock Chinese accent.

Borough Park, NY – The poll site coordinator asked, "How does one tell the difference between Chinese and Japanese?" and brought her fingers to each side of her eyes and moved her skin up and down.

Edison, NJ – One poll worker carried on for several minutes stating that, "If you are an American, you better lose the rest of the [Asian] crap."

Falls Church, VA – One poll worker commented to other poll workers, in the presence of a Pakistani American voter, that he knew about Muslims and said, "If you think certain cultures are weird, you should read about them. They're really weird."

In addition to poll workers, voters and elected officials also made inappropriate or racially disparaging remarks.

Jackson Heights, NY – Several white voters yelled at Asian Americans saying, "You all are turning this country into a third-world waste dump!" and "You should prepare and learn English at home before you come out to vote!"

Palisades Park, NJ – The Borough Clerk of the City of Palisades Park approached AALDEF's election observer and said, "Maybe you should teach *your* people how to read English."

Fort Lee, NJ – A Democratic Party representative came to a poll site and publicly claimed that there were no Korean American voters in the district and that the Korean American voters coming to vote were not legitimately "from here."

Edison, NJ - Voters made a litany of racist comments about how Asian Americans were not, or should not, be American citizens.

Asian American voters complained that they were treated differently than white voters, sometimes with more discourtesy.

Boston, MA – Election officials reported that poll workers at one site segregated voters by race and made minority voters form one line and white voters form another line in order to vote. They claimed that separate but equal lines for those who were limited English proficient would speed up the voting process for others.

Jackson Heights, NY – A poll worker approached our poll monitor and instructed that he tell “his people,” implying Asian American voters, to vote faster because “one of his people” was waiting as long as fifteen to twenty minutes to vote. Another poll worker blamed Asian American voters for holding up the lines saying, “You Oriental guys are taking too long to vote.” Asian American voters complained that they felt unduly rushed to vote.

Some poll workers discouraged Asian Americans from voting by turning them away.

Williamsburg, NY – A Chinese American voter’s name was not listed in the book of registered voters, and one poll worker tried to turn him away. A Chinese interpreter intervened and brought the voter back for a provisional ballot. But the poll worker denied this request and argued with the interpreter. This was the *third year* in which voters have complained about this poll worker. In the past, she improperly required identification of all Asian American voters, discouraged them from voting, and blocked their efforts to obtain language assistance.

Bergen County, NJ – Korean American voters in Palisades Park complained about impatient and hostile poll workers. Four voters in Fort Lee complained that poll workers were rude towards first-time voters and unhelpful in giving voting instructions.

These inappropriate remarks created an intimidating and hostile environment for Asian American and new citizen voters. Poll workers who are rude, hostile, and act in a discriminatory manner toward minority voters should be reprimanded and removed from their posts.

C. Incomplete Voter Lists and Denials of Provisional Ballots

Similar to the complaints from African American and Latino voters in Florida in 2000, in 2004, many Asian Americans were turned away because their names were missing from lists of registered voters located at poll sites. This was often due to the faulty processing or mishandling of voter registration forms by election administrators.

Under HAVA, these voters have the right to vote by provisional ballots to preserve their votes, but such ballots were not offered or were expressly denied.^{xix} Voters were simply turned away. Even when voters were offered provisional ballots, many were not counted.

In our survey, 371 Asian American voters complained that their names were missing from lists of registered voters located at poll sites.

Credit: Jenjamin Yuh



1. Asian Voters' Names Missing

In New York alone, 278 Asian American voters complained that their names were missing from lists of registered voters located at poll sites in our survey.

AALDEF found that these errors were due to data entry mistakes as voter registration forms from voters with "foreign names" were entered into computerized lists. AALDEF spot-checked the Board of Elections official database of registered voters against copies of almost two hundred voter registration forms we had previously submitted in 2003 from Asian American voters.

Asian voters' names, which may contain three parts, were entered incorrectly. Wrong apartment or street numbers and dates of birth appeared. Voters who sought to enroll in particular parties were never assigned to those parties or entered into different parties, contrary to stated party preferences. This error would preclude individuals from voting in their party primary elections. Worst of all, two dozen voter registration forms which AALDEF had submitted were entirely missing from the voter database.

There were many other complaints from voters in New Jersey and Michigan, who reported that they had duly registered but their names were missing from voter lists located at poll sites. In Chinatown, NY one voter was told to go elsewhere to vote and came back two hours later and suddenly his name was found. A South Asian voter in Detroit, MI was initially prevented from voting because his name was simply misspelled.

2. Denials of Provisional Ballots

Although HAVA requires that voters whose names are missing be offered provisional ballots, poll workers denied voters this right and simply turned them away. Indeed, voters had to explicitly demand provisional ballots. Even when provisional ballots were offered, poll workers made discouraging statements.

New York – In Richmond Hill, poll workers told one voter, "Do you know that it is against the law to say you registered, and we find you weren't registered, and you vote?"

New Jersey – In Edison, poll workers did not make provisional ballots available to voters, unless voters specifically asked for them. In Jersey City, poll workers told voters that their provisional ballots would not be counted.

Massachusetts – In Lowell, poll workers told voters to register for the next election.

Moreover, local jurisdictions had extremely cumbersome procedures to vote by provisional ballot. In Lowell, MA, voters were directed to City Hall, instead of being offered provisional ballots at poll sites. One registered Cambodian voter whose name inadvertently was not listed went to City Hall to verify his registration. The City informed the voter only ten minutes before the closing of the polls that he was indeed registered. It was too late for him to return to his poll site to cast his vote.

Provisional ballots preserve an individual's vote, at least in theory. Poll workers need better training on the proper administration of provisional ballots.

3. Provisional Ballots Never Counted

On Election Day, 577 Asian American voters reported that they had to vote by provisional ballot. In some minority neighborhoods, the over-reliance on voting by provisional ballots has become a concern.

In New York alone, 356 voters complained that they had to vote by provisional ballots. AALDEF investigated the registration records of 116 of these voters who gave their names and addresses to us on Election Day. We found that one in ten was entirely missing from official registration rolls, a third had errors in their names, and 13% had errors in their addresses.

Voter Complaints About Provisional Voting, New York		
From voters who provided their registration information to AALDEF on Election Day.		
Voters who voted by provisional ballots	116	100%
Discrepancies in voters' names	39	34%
Discrepancies in voters' addresses	15	13%
Voters' entire registrations missing	13	11%
Provisional ballots not counted	57	50%
Provisional ballots not counted because -		
- name or address discrepancies	25	21%
- entire registrations missing	15	13%
Percentages are from the total number of those who voted by provisional ballots		

Moreover, mistakes or omissions in voters' registrations resulted in provisional ballots not being counted. Out of these 116 complaints from voters who used provisional ballots, half of the ballots (50%) were not counted. Among those whose names appeared but their votes were not counted, we found that 44% was due to errors in the entering of the voters' names or addresses.

When voters have taken all the necessary steps to register, corrective measures must be put into place to correct errors and omissions. Using provisional ballot envelopes as voter registration forms can remedy this problem in future elections. In fact, the Carter/Ford National Commission on Federal Election Reform, which laid the groundwork for many of HAVA's provisions, also recommended this solution.

D. Improper Identification Checks

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

Many long-time Asian American voters complained that they were required to provide identification. These voters were not required to show ID under HAVA because they were not voting for the first time and had registered before January 1, 2003, the effective date of HAVA's ID provisions.

Voter Complaints About Identification Checks			
In states where ID is not generally required to vote			
	NY	NJ	MA
Asians required to provide ID to vote	1,648	344	182
% of total voters surveyed	23%	25%	24%
ID was not required under HAVA	1,144	176	103
% of voters who had to show ID	69%	51%	57%

In New York City, 1,648 or 23% of Asian Americans had to show identification in order to vote. Among those voters, 69% were not required to show ID under HAVA. AALDEF received complaints and personally observed these improper and sometimes excessive demands for identification from Asian American voters in almost every poll site monitored.

Flushing – One voter was asked to show her naturalization certificate to prove that she was eligible to vote. This person was not a first-time voter. Upon returning to the site in the evening after she went home to retrieve the certificate, the poll workers told her that her poll site was actually elsewhere. By then, it was too late for the voter to go to the other site to cast her vote.

Chinatown – A police officer required all Asian American voters to show picture identification. This created very long lines. The officer also turned away voters and told them to go home and get their IDs if they did not have their IDs with them. Many voters on line complained that this was illegal.^{xx}

Floral Park – A number of South Asian voters, who were not first-time voters, complained that poll workers required them to show identification before they could vote.

Sunset Park – Poll workers required first-time voters to supplement their IDs with social security numbers and passports.

In New Jersey, where identification is also not required to vote, 344 voters or 25% had to show identification. Among those voters, 51% were not required to show ID under HAVA.

Edison, NJ – At one site, 40 long-time voters complained of inappropriate ID checks. One was Chinese American and reported that both she and her husband had registered by mail on the same day and both had voted in prior elections. But on Election Day, the wife was required to provide identification and the husband was not.

Palisades Park, NJ – An elderly first-time Korean American voter was asked to provide several forms of identification. After showing the poll worker his voter registration and poll site letter from the Board of Elections, the poll worker still asked the voter to present a driver's license, utility bills, and other forms of ID.

In Massachusetts, one out of four Asian American voters had to show identification. We have complained about this problem in prior years. Although state law allows poll workers to demand identification, such requests must be random, consistent, or based on a reasonable suspicion. Of these voters, 57% were not required to show ID under HAVA.

In Michigan, one Arab American voter in Hamtramck complained that after being asked for identification, poll workers physically grabbed him and forced him to sign a piece of paper three times in order to verify his signature. Another Arab American voter, who had voted at this site in previous elections, was asked by poll workers to prove his date of birth. Many voters were required to show identification, even though they were properly registered, their names appeared on the voter list, and they had voted in prior elections.

In Arlington, VA, one South Asian voter complained that he was asked by poll workers to show some type of *federal* identification in addition to his Commonwealth of Virginia voter card. While Virginia law requires identification from all voters, a Virginia voter card is considered a valid form of identification under state law. Moreover, this voter's white companion, who was also voting at this site, was not asked to show any identification whatsoever.

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

E. Poll Site Confusion

Inadequate notice of poll sites and misdirection to voting booths inside poll sites created much confusion. Changes to poll sites were also extremely disruptive and disenfranchised many voters. Voters were often redirected, sometimes wrongly, to other poll sites and were sent back to their original sites. Many who had voted in prior elections complained that they never received any notification in the mail that their poll sites had changed.

In our survey, 185 Asian Americans who voted complained of poll site confusion in trying to vote. (This number does not capture voters who did not vote and appeared at poll sites but were told to go elsewhere to vote.)

First-time voters and voters who had been voting for many years complained about poll site confusion and inadequate notice. Several voters were so angry and frustrated that they decided not to vote at all. Others simply lost their right to vote because they could not find the other poll site or did not have enough time to get to the other site before polls had closed. Mailed voter registration confirmation cards had misinformation about poll site locations.

New York – One Pakistani voter in Flushing stated that she was not informed that the poll site was changed, noted that approximately 200 families in her neighborhood were also affected by this change, and that many of them were senior citizens who could not travel to the other site. At least 100 voters at one site in Richmond Hill were redirected and a poll worker commented that “Queens recently rezoned its precincts” and that voters had not been made aware that their poll sites had been changed. South Asian voters in Floral Park complained about being shuffled between two poll sites in the neighborhood for the past three years and again in 2004.

New Jersey – A first-time South Asian voter in Jersey City had to go to six different poll sites. She was eventually allowed to vote, but by provisional ballot. She stated that poll workers were incompetent, “it’s too much trouble to vote,” and that she does not want to vote in the next election.

Rhode Island – A voter in Providence complained that her voter card named the poll site but had no address. It was in an apartment complex and she was unable to locate the voting area, which was in another building.

Illinois – One South Asian voter went to a poll site in the Devon neighborhood in Chicago because it was listed on her voter registration confirmation card. Her name was not on the rolls and she was directed to another site. At the second poll site, poll workers directed her to a third site where she finally cast her ballot.

Pennsylvania – In Philadelphia, we received complaints that many newly registered limited English proficient Cambodian American voters did not receive notice of their assigned poll sites, did not know where to go, and had difficulty in dealing with poll workers.

Voters also complained about misdirection inside correct poll sites. Voters were directed to the wrong voting booths, occasionally more than once. In Hamtramck, MI, one voter waited in line at one precinct for twenty minutes only to be sent to another precinct line once he reached the front. At least eight voters at this site left without voting due to the long wait times and confusion.

Voters were not able to find their poll sites by calling official election telephone hotlines or websites. Hotlines were overwhelmed and voters could not get through. When voters were able to get through, operators were not always helpful.

One voter in Elmhurst, NY called the Board of Elections hotline because she did not receive any confirmation of her registration. She had moved from within New York City and promptly re-registered. When she called, the operator was unable to confirm the voter's registration and told the voter that if they could not find her name by the time polls closed, she could not vote. The voter called again in the early evening and was told that they still could not find her name but instructed the voter to go to her prior poll site before she moved. She finally came to a new poll site that her neighbors went to and her name was on the list.

Poll site confusion has become a perpetual problem, particularly in these minority neighborhoods. Obviously, voters need to receive timely and adequate notice of their assigned poll sites, however local election officials should also try to minimize poll site confusion and ensure that voters do not lose their right to vote. Election officials must carefully examine the impact of proposed changes. If changes must be made, then special notice should be given. Lastly, even if voters are at the wrong poll sites, they should be allowed to cast provisional ballots and have their votes counted.

F. Poorly Trained Poll Workers and Election Officials

Several poll workers and election officials were unhelpful or unknowledgeable about proper election procedures and election laws.

1. Poorly Trained Poll Workers

Poorly trained and inefficient poll workers resulted in several chaotic poll sites. This contributed to long lines that deterred voters from voting. In our survey, 239 voters complained that poll workers were poorly trained.

Jersey City, NJ – Fourteen voters complained that poll workers at one site were poorly trained, disorganized, directed voters to the wrong voting booths or poll

sites, and were generally rude toward Asian American voters. One voter waited almost 3 hours between initially arriving at the site and actually voting. Another voter had to leave due to the long waits. A third voter, who was already inside the voting booth casting her vote, was physically pulled out of the booth by a poll worker, told that she was in the wrong booth, and instructed to go to the back of the long line and wait to vote at another booth. Ultimately, the voter ended up voting at the original booth that she had initially entered.

Dearborn, MI – One poll site in a working class neighborhood had extremely long lines and many frustrated voters, complaining that the site was understaffed, left without voting because they could not take the time off from work.

Detroit, MI – At one poll site, over 100 voters were misdirected to several different lines before being able to vote and some were asked to return later in the day. There was very poor signage and one voter complained that there was absolutely no instruction given to voters. This voter waited in one line, only to be told by poll workers to wait in another line as he neared the front. As a result, this voter waited for an hour before voting. Another site had a line stretching outside of the building. Although there were two precincts, there was only one line for the two, which was clearly not enough.

Poll workers also did not know how to handle situations when voting machines broke down. In our survey, 117 voters complained that the voting machines did not work. In the Lower East Side, NY, when a voting machine broke down and poll workers instructed voters to complete “emergency ballots” but did not know what to do with them. One voter commented that the poll workers “were making up rules as they were going along.” She and other voters remarked that they were worried that their votes would not be counted.

2. Poorly Trained Election officials

Election officials were not helpful and could not answer, or answered incorrectly, questions about delayed absentee ballots and what to do if voters had moved.

Before Election Day, many voters complained that even when they duly requested absentee ballots because they would not be able to go to their poll sites on Election Day, they never received these ballots. Voters had to go through tremendous hurdles to vote.

Hamtramck, MI – Two sons had to struggle to bring their elderly and physically disabled father to his poll site to vote because their father had not received his absentee ballot. One of the sons contacted election officials several times, went to the office, and brought a signed authorization letter for him to pick up the ballot for his father, as he was instructed. But upon arriving, election officials would not release the ballot even though he complied with all their instructions.

Philadelphia, PA – One voter who temporarily relocated to Little Rock, AR never received his absentee ballot. He rode a bus for seven hours from Little Rock, AR all the way back to Philadelphia so he could vote.

Election officials also did not know how to handle situations if voters changed their addresses. One voter in Ann Arbor, MI had recently moved but had not yet registered. Election officials told him that although he was duly registered, he could not vote at his new address because he had not filed a change of address form, nor could he vote at his former poll site because he no longer resided there. This registered voter only sought to vote in the Presidential race, and federal laws contain certain provisions allowing such voters to vote in these limited instances. Election officials apparently did not know about this federal provision.

IV. RECOMMENDATIONS

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

A. National Recommendations

- Congress should reauthorize and expand the Language Assistance Provisions of the Voting Rights Act. Section 203, as well as the enforcement provisions in Section 5, are set to expire in 2007. Congress should document the voting discrimination that Asian Americans have encountered and change the coverage formula to include more jurisdictions in which Asian American populations are growing but not yet large enough to meet Section 203's trigger of 5% or more than 10,000 citizens.
- As recommended by the Carter/Ford National Commission on Federal Election Reform, Congress should amend HAVA to make clear that voting by provisional ballot should also be used to correct errors and omissions in voters' registrations.
- The U.S. Department of Justice should continue its vigorous enforcement of Section 203 of the Voting Rights Act for Asian language assistance and increase enforcement of Section 208 to ensure that voters can be assisted by persons of their choice.
- The U.S. Department of Justice should more forcefully investigate and enforce full compliance with HAVA, including the proper and nondiscriminatory application of identification requirements, providing provisional ballots to voters, and posting of Voter Bill of Rights signs at poll sites.

B. Local Recommendations

- Language assistance should be provided to limited English proficient voters. HAVA provides federal money to provide this assistance and states should seek such funding to translate voter registration forms, voting instructions, and ballots at poll sites, and provide interpreters and bilingual poll workers at poll sites.
- Poll workers who are rude, hostile, or racially discriminatory toward Asian American and limited English proficient voters, or who deny language assistance, should be reprimanded or removed from their posts.
- Voters whose names cannot be found in lists of registered voters located at poll sites must be given provisional ballots. Local election officials should count the ballots of all these registered voters when their ballots are cast in their neighborhoods and local districts, even if they were at the wrong poll sites.
- Errors in the registrations of new voters must be corrected so that ballots are not disqualified. If there are some deficiencies in these voters' registrations, provisional ballot envelopes should be used to correct these errors in voter registration databases, as well as the complete omission of voters' registrations in case their applications to register were inadvertently lost or mishandled.

- Poll workers need better training in election procedures and voters' rights, especially on:
 - the requirements for language assistance and the proper use and posting of translated voting materials and signs under Section 203, where applicable;
 - voters' rights to be assisted by persons of their choice, who may also accompany voters inside voting booths under Section 208;
 - how to properly direct voters to their assigned poll sites and precinct voting booths;
 - proper demands for voter identification checks under HAVA; and
 - proper administration of provisional ballots under HAVA.
- Voters need better notice about their poll sites and confirmation of registration prior to Election Day. For jurisdictions with translated voter registration forms, multilingual notices to voters about their poll sites, as well as any changes, and confirmation of registrations should be sent in appropriate minority languages. The languages can be determined by corresponding the languages in which voters completed their voter registration forms with future election notices.
- Resolving poll site confusion, in advance, may require more concerted effort.
 - First, any changes to poll sites and precincts must be predicated upon an analysis of where former voters had previously voted and whether they will be sent to new sites. If these voters will be sent to new distant sites, less burdensome site changes must be considered.
 - Second, if poll site changes are made, then separate and unique notices must be mailed to clearly inform affected voters that their poll sites were changed. Changes must also be publicized in the Asian-language media and to community groups.
 - Third, even if voters are at the wrong poll sites, duly registered voters should be allowed to cast provisional ballots and have their votes counted.

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

**Poll Sites Monitored by the Asian American Legal Defense and Education Fund
November 2, 2004**

STATE (total sites) - City/County (total sites)	Neighborhood/City	Number of Sites	Asian Population Targeted
NEW YORK (28) - Manhattan (5) - Queens (18) - Brooklyn (5) - New York City *	Chinatown Flushing Bayside Elmhurst Jackson Heights Richmond Hill Floral Park Jamaica Sunset Park Williamsburg Midwood Kensington Various neighborhoods	5 6 3 2 2 2 2 1 2 1 1 1 88	Chinese Pan-Asian Chinese, Korean Pan-Asian Pan-Asian Indo-Caribbean Indian Bangladeshi, Filipino Chinese Chinese Pakistani Bangladeshi Chinese, Korean
NEW JERSEY (12) - Bergen County - Middlesex County - Hudson County	City of Palisades Park City of Fort Lee City of Edison City of East Brunswick City of Jersey City	3 2 3 1 3	Korean Korean Indian Chinese Indian, Filipino
MASSACHUSETTS (11) - City of Boston - City of Lowell - City of Quincy	Chinatown Mission Hill Dorchester Highlands North Quincy	2 1 2 4 2	Chinese Chinese Vietnamese Cambodian Chinese
RHODE ISLAND (5) - City of Providence	Elmwood Smith Hill West End	2 1 2	Hmong Laotian Cambodian
ILLINOIS (7) - Chicago - Cook County	Nortown, Devon, Albany Park City of Glenview City of Lincolnwood City of Evanston City of Northbrook	3 1 1 1 1	South Asian, Filipino Korean Korean Korean Korean
MICHIGAN (9) - Wayne County - Washtenaw County	Detroit City of Hamtramck City of Dearborn City of Ann Arbor	2 2 2 3	Southeast Asian, Laotian Bangladeshi, Arab Arab Pan-Asian
VIRGINIA (5) - Arlington County - Fairfax County	Arlington Falls Church Annandale	3 1 1	South Asian Vietnamese Pan-Asian
PENNSYLVANIA (2) - City of Philadelphia	Chinatown North Philadelphia	1 1	Chinese Cambodian

* AALDEF, along with the Asian American Bar Association of New York, inspected eighty-eight poll sites specifically for compliance with Section 203 of the Voting Rights Act for Chinese and Korean language assistance. No voter survey was taken at these sites.

ⁱ Reynolds v. Sims, 377 U.S. 533, 561-62.

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

ⁱⁱⁱ Voting Rights Act, Section 203, 42 U.S.C. Sec. 1973aa-1a.

^{iv} 42 U.S.C. Sec. 1973aa-1a (b) (2) (A).

^v They are AK- Kodiak Island Borough (Filipino); CA- Alameda Co. (Chinese), Los Angeles Co. (Chinese, Filipino, Japanese, Korean, Vietnamese), Orange Co. (Chinese, Korean, Vietnamese), San Diego Co. (Filipino), San Francisco Co. (Chinese), San Mateo (Chinese), Santa Clara (Chinese, Filipino, Vietnamese); HI- Honolulu Co. (Chinese, Filipino, Japanese), Maui Co. (Filipino); IL- Cook Co. (Chinese); NY- Kings Co. (Chinese), New York Co. (Chinese), Queens Co. (Chinese, Korean); TX- Harris Co. (Texas); and WA- King Co. (Chinese).

^{vi} 67 Fed. Reg. No. 144, 48871-77 (July 26, 2002) (Notices).

^{vii} Voting Rights Act, Section 208, 42 U.S.C. Sec. 1973aa-6.

^{viii} HAVA Section 302 (a), (b); (a), (b) (2); (b) (2) (2).

^{ix} HAVA Section 301 (a) (5).

^x HAVA Section 101 (b) (1) (G).

^{xi} Hearing of the House Subcomm. on Civil and Constitutional Rights, House Judiciary Committee, on the Lang. Assist. Provis. of the Voting Rights Act, S. 2236, 102 Cong. Rec. at 12 (Apr. 1, 1992) (statement of Margaret Fung, Exec. Dir., Asian Amer. Legal Defense and Educ. Fund); Senate Report 102-315, Calendar No. 537 July 2, 1992, at 12.

^{xii} Cities and poll sites with large concentrations of Asian American voters were selected based on census data and interviews with local election officials and community leaders. Sites with a history of voting problems were also selected.

^{xiii} The determination of states were based on the size of the Asian American population, the interest of local groups to co-sponsor the Asian American Election Protection Project, and capacity to mobilize the requisite number of volunteers.

^{xiv} The survey questionnaire was written in 7 Asian languages: Chinese, Korean, Bengali, Arabic, Vietnamese, Khmer, and Lao, in addition to English. Volunteers were conversant in 23 Asian languages and dialects.

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

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

^{xvii} Limited English proficiency is determined by one's ability to read English less than "very well."

^{xviii} U.S. v. City of Hamtramck, (E.D. Mich.) Aug. 2000. The consent decree is set to expire at the end of 2005.

^{xix} Different states have different names for provisional ballots. They are called "affidavit" ballots in New York and "escrow" ballots in Massachusetts.

^{xx} The police have a very limited role in New York elections and are not trained in election procedures.