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Issue Brief:
Voting Language Assistance in Native American and Asian American communities

Keywords

Native American, Asian American, Voting Rights Act, voting assistance, minority language rights

Description

Many Native Americans and Asian Americans face challenges in voting based on language. While federal law, especially the Voting Rights Act of 1965, has increased access to voting for minority language speakers, not all gaps are filled.

Key Points

- Native Americans and Asian Americans had a long fight to win suffrage.
- Because many didn't speak English, they still faced barriers to voting.
- The passage of the Voting Rights Act of 1965 provided voting assistance in hundreds of jurisdictions, a major stride toward helping language minorities.
- The Act still has gaps, including minority communities that aren't covered and imperfect implementation.
- Gains in minority language voting assistance are under threat by conservative politicians.

Images



Voters in Chinatown, Manhattan, take advantage of minority language voting assistance.

Source: <http://www.ourchinatown.org/2012/10/24/asian-americans-continue-to-face-barriers-in-voting/>



A line to vote at Wind River reservation in Wyoming.

Source: http://wyofile.com/wp-content/uploads/2012/11/windriverelections_slow_line.jpg

Issue Brief

While most voters take for granted the right to vote with a ballot in a language they can read, having a voice in the political process when one doesn't speak English is a major struggle for a substantial minority of Americans. Recent debates over voting rights for Americans with limited English proficiency have largely focused on Spanish-speakers, but many Native Americans and Asian Americans also face challenges in voting based on language.

Just getting the right to vote was a long struggle for leaders in both the Native American and Asian American communities. Native Americans were not considered citizens until the Indian Citizenship Act of 1924, and in some cases, still couldn't

vote—Utah was the last state to grant them suffrage in 1956 (Goldstein). Asian Americans, many faced with racist sentiments about them stealing jobs, also lacked real suffrage for decades. The Chinese Exclusion Act of 1882 prevented Chinese immigrants and other Asians from becoming naturalized citizens until it was lifted in 1943 (Goldstein).

But citizenship and official suffrage was only one step toward truly granting these minority groups the right to vote and be heard in elections. Language barriers prevented many in Native American and Asian American communities from voting. After all, gaining citizenship does not mean the new citizen can speak English well enough to understand a ballot: To become a citizen, one needs only basic comprehension of English, and in some naturalization cases, not even comprehension is required. “Significant blocs of voters—including both U.S.-born citizens and naturalized citizens—lack the requisite English skills needed to participate meaningfully in the electoral process” (Ancheta 167).

A huge step toward inclusion for minority language groups came when Congress passed the Voting Rights Act of 1965, which requires voting assistance for Native Americans, Asian Americans, Alaskan Natives, and Latinos. Sections 203 and 4(f)(4) of the act require that in certain jurisdictions, “all election information that is available in English must also be available in the minority language so that all citizens will have an effective opportunity to register, learn the details of the elections, and cast a free and effective ballot” (Department of Justice). In practice, this usually means interpreter services and translated ballots and other materials.

The Act’s provisions cover any county or large municipality that includes large populations of people who speak a single minority language and do not speak English. There are more than 250 total jurisdictions covered, and they are updated after every census. Languages covered include Chinese, Japanese, Korean, Filipino, Bangladeshi, Vietnamese, Navajo, Pueblo, Hopi, Yuma, Tohono O’Odham, Choctaw, and Kickapoo (Department of Justice).

The Act has made large strides in the designated jurisdictions, both in the more rural reservations of Native American communities and the more urban conglomerations of Asian American communities. Polling after the 2008 election

showed that in some communities, large proportions of Asian American voters, for example, had limited English proficiency and required voting assistance. In Brooklyn, 65% of Chinese American voters said they were limited proficient, and 43% preferred to vote with assistance (Magpantay 15).

But there are still gaps in minority language assistance for Native American and Asian American voters. People who lived in jurisdictions not covered under the Voting Rights Act still face challenges in voting. For example, Vietnamese voters in New Orleans don't constitute a large enough minority to gain protection from the act, and thus don't receive translated ballots or interpreters. In 2008, 63% of Vietnamese voters in New Orleans said they were limited English proficient and 45% preferred assistance—but none was available (15). Because of the limited number of jurisdictions the act covers, many Asian Americans and Native Americans are still disenfranchised.

And even in covered jurisdictions, problems remain with the implementation of the act, including untrained poll workers, incomplete voter lists, and imperfect ballots. In Boston, for example, ballots for the 2008 election were only partly translated into Chinese. According to one Chinatown voter polled, “names like ‘Obama’ were not transliterated, so he was relegated to vote simply based on party label” (Magpantay 14).

Moreover, the progress that the U.S. has made is at risk, as the voting assistance provisions are under attack. In 1996, conservatives in the House of Representatives passed a bill that would have designated English as the nation's official language and would repeal the minority language voting assistance provisions of the Voting Rights Act. The bill did not pass the Senate, but since then, similar legislation has been introduced in each new Congress (Crawford). Meanwhile, a recent Supreme Court challenge to the Act's central provision threatens to reduce scrutiny of voting rights laws in some states (Savage).

The Voting Rights Act has made considerable progress in making it easier for Native American and Asian Americans with limited English proficiency to vote, but gaps still remain and its provisions are under threat.

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Relevant websites

The most recent list of affected jurisdictions, as determined by the Department of Justice: http://www.justice.gov/crt/about/vot/sec_203/2011_notice.pdf

Asian American Legal Defense and Education Fund, which advocates for Asian American voting rights, among other causes:

<http://aaldef.org/>

City University of New York Voting Rights and Citizenship portal, with a lot of historical information on voting rights:

http://www1.cuny.edu/portal_ur/content/voting_cal/index.html

