



ENSURE FULL AND EQUAL PARTICIPATION IN THE CIVIC AND POLITICAL PROCESS.

The ability to freely participate in civic and political life is a right enjoyed by citizens and non-citizens in the United States. **South Asian community members are engaging more actively in the civic and political process** by voting; expressing views on important issues; supporting political campaigns; and running for office at local, state, and national levels.

The community's patterns of migration and naturalization indicate that **South Asians are part of the increasing pool of new voters in the United States**. Three-quarters of South Asians who live in the United States are foreign-born. While only one-third of Indians, Pakistanis, and Sri Lankans, and only one-fourth of Bangladeshis have become citizens, the percentages of naturalized and native-born citizens within the community are on the rise.ⁱ In fact, results from a 2004 exit poll of Asian American voters in metropolitan areas on the East Coast found that 88% of South Asian voters surveyed were born abroad and that 42% of South Asian voters were casting ballots for the first time.ⁱⁱ

However, **many South Asians encounter roadblocks to civic and political engagement**, including voter intimidation and harassment; insufficient bilingual materials and interpreters at the polls; and illegal voter identification requirements. Non-citizens also face unique barriers. Many South Asians, especially new immigrants, also often lack an understanding of the civic and political process in the United States and feel isolated by increased xenophobia and anti-immigrant sentiment in the public realm. Stakeholders with an interest in ensuring civic and political participation for all individuals must take efforts to ensure that such barriers are recognized and eliminated.

Obstacles in the Naturalization Process Census data show that 30% of South Asians in the United States were naturalized citizens in 2000.ⁱⁱⁱ Many face obstacles when navigating the naturalization process. Various policies have played a role in preventing South Asians from naturalizing, such as increased immigration application fees, a redesigned naturalization exam, and lengthy delays in the processing of naturalization applications caused by security background checks.

Voter Intimidation and Suppression Currently, minority voters can rely on policies, such as the

Voting Rights Act (VRA) and the *Help America Vote Act (HAVA)*, to protect their access to the ballot box. Specifically, Section 2 of the *VRA* prohibits voter discrimination on the basis of race, color, or membership to designated language minority groups as well as electoral practices or procedures that have a discriminatory impact. Provisions of *HAVA* also mandate the use of certain electoral procedures that could benefit minority voters, such as pollworker training and provisional ballots for those who may be considered ineligible to vote.

Yet, in recent elections, many South Asians have been affected by inconsistent implementation of voting rights laws as well as voter intimidation and harassment.^{iv} For example, in the 2004 election, South Asian voters who participated in an Asian American exit poll conducted in metropolitan areas on the East Coast reported incidences of voter intimidation. Many South Asians who participated in the exit poll reported that they were erroneously required to show identification prior to voting; that their names were not on the registered voters' lists; that poll workers were often discourteous, hostile, and poorly trained; that they did not receive provisional ballots; and that they were sometimes misdirected to wrong polling sites or election districts.^v

In addition, many immigrant voters are blocked from participating in the political process due to recent photo identification requirements, at the federal and state levels. Such requirements, in effect, disenfranchise many U.S. citizens who lack permissible forms of identification, including the poor, seniors, and immigrants.

Language Assistance for Limited English Proficient Voters

Understanding voter referenda and constitutional changes on ballots can be a challenging task, even for a voter fluent in English. For individuals who are limited English proficient (LEP) – which include half of the Bangladeshi, one-third of the Pakistani, and one-quarter of the Indian populations in the United States^{vi} – the act of voting can be daunting and entirely inaccessible. In fact, an exit poll conducted in 2004 of Asian American voters in metropolitan areas on the East Coast showed that one-third of Urdu and Bangla/Bengali speakers in New York City needed language assistance when voting.^{vii}

Section 203 of the VRA requires the mandatory provision of bilingual ballots, translated signs, and interpreters in counties where 5% or more than 10,000 voting-age citizens who speak the same Asian, Hispanic, or Native American language are

LEP or, as a group, have a high illiteracy rate. However, no jurisdiction is currently mandated to provide materials or interpretation in South Asian languages. Section 208 of the VRA also guarantees LEP voters the right to be assisted and accompanied by persons of their choice (except for their employer or union representatives) at the voting booth.

Xenophobia and Anti-Immigrant Sentiment

Around the country, xenophobic and anti-immigrant sentiment increasingly permeates the media and political sphere. This can hamper civic and political participation of recent immigrants and new citizens. In particular, xenophobic rhetoric made by political and public figures can foster similar perceptions on the part of the public and perpetuate misconceptions and stereotypes about the community. It can also influence support for policies and practices that target or harm people of color and immigrants, further feelings of marginalization, and discourage political and civic participation. South Asians have increasingly become targets of xenophobic and intolerant rhetoric with over 25 such remarks made by public officials between 2005 and 2007.^{viii} In addition, candidates of South Asian descent have also reported encountering intolerant comments by their opponents, which can have a significant impact on running an effective campaign.^{ix}

Impact of Redistricting Initiatives on Communities of Color

The apportionment of seats in the U.S. House of

Representatives, as well as state legislative bodies, is based on a state's population. Every ten years, district lines are redrawn through a process known as "redistricting." Historically, some districts have been reconfigured with the intent or impact of fragmenting communities of color into multiple districts resulting in the dilution of these communities' political power. As the redistricting process begins in local communities, it is important for South Asian community members to understand and participate in the redistricting process.

DID YOU KNOW?

Language assistance for South Asian voters has been achieved in various ways. For example, in 2000, the city of Hamtramck, Michigan was sued by the federal government and subsequently required to provide Bengali language assistance to voters, given the discriminatory practices of its pollworkers who had required Bengali-speaking voters to take oaths of citizenship prior to voting. *U.S. v. City of Hamtramck, Michigan* (E.D. Michigan 2000).

Advocacy efforts have also led to the voluntary provision of language assistance in certain jurisdictions. For example, the state of New Jersey produced voter registration forms in Gujarati, a South Asian language, in 2008. Yet the number of jurisdictions nationwide voluntarily offering such assistance is very limited, leaving many LEP South Asian voters disenfranchised.

Need for civic education and political participation

Citizens and non-citizens of South Asian descent can be more engaged in the civic and political process through a variety of means. Increased civic education and naturalization assistance can help South Asians become more active in their local communities. In addition, political participation in the form of running for elected or appointed office, supporting political campaigns, and being involved in every level of civic life should be encouraged.

KEY RECOMMENDATIONS

Promote naturalization and voting among South Asians.

- U.S. Citizenship and Immigration Service (USCIS) should ensure that the processing of naturalization applications delayed due to name and security background checks is expedited.
- USCIS' Office of Citizenship, in collaboration with community-based organizations, should increase outreach to the South Asian community in South Asian languages regarding changes in naturalization procedures.
- USCIS should ensure that immigration application fees are not increased such that obtaining naturalization and other benefits becomes prohibitively expensive.

Preserve voting rights of South Asians by eliminating voter intimidation and suppression.

- Congress and the Department of Justice should ensure that voter protection laws and regulations are carefully crafted, understood by state and local election officials, and are implemented in a fair manner.
- The Department of Justice and state and local election boards should ensure proper training of pollworkers and election officials.
- State and local election boards should prioritize recruitment and hiring of South Asian pollworkers with bilingual capabilities, particularly in precincts with significant South Asian populations.
- The Department of Justice should ensure that voter protection and anti-discrimination laws, such as Section 2 of the VRA, are strongly enforced by its civil rights and voting rights components.
- Congress and state legislatures should repeal photo identification requirements at the election booth.
- State and local election boards should ensure that provisional ballots are provided and counted in elections as mandated by the provisions of HAVA.

Ensure limited English proficient citizens' access to the right to vote.

- Congress should lower the numerical threshold that triggers mandatory Section 203 compliance under the VRA so that additional counties and languages are covered.
- State and local election boards should provide bilingual voter assistance, even if not mandated under Section 203 of the VRA, through interpreters and translated materials in South Asian languages in metropolitan areas with

significant South Asian populations (including New York/New Jersey, the San Francisco Bay Area, Chicago, Los Angeles, and Washington, DC).

- The Department of Justice and state and local election boards should ensure proper enforcement of Section 208 of the *VRA* so that LEP voters are guaranteed assistance by persons of their choice in the election booth.

Ensure that votes by all eligible voters count.

- State and local election boards should ensure that all voters have the opportunity to cast provisional ballots through proper enforcement of and compliance with *HAVA*.
- State and local election boards should ensure voting information is more accessible through sample ballots, voter instructions, and information about voter rights through proper enforcement of *HAVA*.

Eliminate xenophobic comments against South Asians and other communities of color in political discourse.

- Political parties should have an articulated and publicized “zero tolerance” policy condemning racism and xenophobia in the political sphere.
- Community members should monitor incidents of xenophobia and racism made by elected officials or those running for office.
- Community members should report such incidents to political parties and civil rights organizations.

Increase political participation and civic engagement of South Asian community members.

- Community-based organizations should conduct naturalization and citizenship drives within South Asian communities.
- Political parties and community-based organizations should host candidate and issue-based forums that focus on issues relevant to South Asians.
- Community-based organizations and individuals should engage the South Asian community to participate in voter registration and “get out the vote” efforts.
- Political parties and community members should promote the candidacy of South Asian individuals seeking electoral office.
- State and local immigrant affairs offices and community-based organizations should provide educational information in South Asian languages on how to become politically engaged.
- State and local immigrant affairs offices and community-based organizations should conduct

civic and political education trainings with new South Asian immigrants to promote a clear understanding of civic process in the United States.

- Community members should become engaged in local redistricting efforts every ten years to ensure that the political power of communities of color is not diluted.

ⁱ U.S. Census 2000, Summary Files 1 through 4. See also *Demographic Characteristics of South Asians in the United States: Emphasis on Poverty, Gender, Language Ability, and Immigration Status*, South Asian American Leading Together (2007).

ⁱⁱ *The Asian American Vote 2004: A Report on the Multilingual Exit Poll in the 2004 Presidential Election*, Asian American Legal Defense and Education Fund (2005).

ⁱⁱⁱ See *supra* note i.

^{iv} *The 2004 Elections: South Asian Voting Trends and Patterns*, South Asian Americans Leading Together (2005) based on data from *The Asian American Vote 2004: A Report on the Multilingual Exit Poll in the 2004 Presidential Election*, Asian American Legal Defense and Education Fund (2005).

^v *Id.*

^{vi} See *supra* note i.

^{vii} *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*, Asian American Legal Defense and Education Fund (2005). *AALDEF Exit Poll Reveals Trends in Growing NJ Asian American Electorate*, Asian American Legal Defense and Education Fund (2006).

^{viii} *Community Education on Documented Incidents of Xenophobia and Intolerance in Political Discourse*, South Asian Americans Leading Together (2007).

^{ix} *Id.*