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THE RIGHT TO ASSISTANCE OF YOUR CHOICE AT THE POLLS: HOW SECTION 208 OF THE VOTING RIGHTS ACT SHOULD WORK TO PROTECT OUR VOTE AND OUR DEMOCRACY

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INTRODUCTION AND SUMMARY

Voting can be an intimidating and complicated process, even for native English speakers. For citizens whose first language is not English, the process is even more difficult to navigate. Among the Asian American community, high rates of limited English proficiency significantly contribute to this problem. Three in four Asian Americans speak a language other than English at home and almost one-third of all Asian Americans are limited-English proficient (LEP), meaning that they have some difficulty communicating in English.ⁱ

One tool that LEP voters can easily use to participate in elections is to bring someone to help in the voting booth. Section 208 of the Voting Rights Act (VRA) allows voters needing assistance because of blindness, disability, or inability to read or write, including voters who have difficulty with English, to bring someone into the voting booth to help them understand and cast a ballot.ⁱⁱ Section 208 applies nationwide and almost all 50 states have added Section 208 language into their election codes to provide some guidance on implementing Section 208. However, some state interpretations pose significant barriers for LEP voters to receive this assistance and exercise their right to vote. These barriers must be addressed.

Moreover, many LEP citizens are not even aware of this right to assistance. And poll workers are too often unfamiliar with Section 208, refusing to allow LEP voters to bring someone into the voting booth.

This report explains what Section 208 is and how it works, as well as how states' interpretations and applications of Section 208 have led to confusion at the polls and even the denial of an LEP voter to cast his or her ballot. The report also provides recommendations and best practices for election officials to consider and offers advocacy tips for community-based organizations (CBOs) on engaging with election officials to improve the implementation of Section 208, so that all LEP voters are able to vote on Election Day.

LAWS THAT SUPPORT AND ENCOURAGE LEP VOTERS TO PARTICIPATE IN THE DEMOCRATIC PROCESS

By expanding the Voting Rights Act to provide language assistance to LEP voters through Section 203 in 1975 and Section 208 in 1982, Congress clearly recognized the correlation between language barriers and low voter participation rates.ⁱⁱⁱ Section 203 is a language assistance provision that requires bilingual elections for Latinos, Asian Americans, American Indians and Alaska Natives in certain jurisdictions that meet certain population, language ability, and literacy requirements as determined by the Census Bureau.^{iv} Because Section 203 does not apply nationwide, not all LEP voters can take advantage of these benefits. However, all citizens who have difficulty with English, no matter where they live or what their native language is, have the right to an assistor of their choice in the voting booth through Section 208.^v It is a critical provision for LEP voters to ensure that they can effectively exercise their right to vote. Through Section 208, voters have the right to have anyone - except for their employer or a representative of their labor union - help them in the voting process.^{vi} The assistor can even be a teenage child or a non-U.S. citizen.^{vii}

SECTION 208 OF THE VOTING RIGHTS ACT: HISTORY AND ENFORCEMENT

Congress added Section 208 to the VRA to ensure that “blind, disabled, or illiterate voters could receive assistance in a polling booth from a person of their own choosing[.]”^{viii} Congress found that citizens who either do not have written language ability or who are unable to read or write English proficiently were more susceptible to having their votes unduly influenced or manipulated, and thus were more likely to be discriminated against at the polls.^{ix} Congress also stressed the importance of the voter’s freedom to choose his or her assistor, as opposed to having someone appointed by elections officials to assist the voter. Voters may feel apprehensive about casting a ballot in front of someone they do not know or trust, or could even be misled into voting for a candidate they did not intend to select.^x Congress determined that the right to an assistor of choice is the only way to ensure that voters can exercise their right to vote without intimidation or manipulation.^{xi}

Although Section 208 does not obligate state or local governments to provide any language assistance, it does provide for a method of enforcement. It is a violation of the VRA if election officials obstruct or deny a voter’s right to use an assistor of choice.^{xii} The United States Department of Justice (DOJ) has authority to enforce voting rights laws and ensure that voters’ rights are protected in federal elections.^{xiii}

The DOJ has filed numerous lawsuits against localities for violations of Section 208.^{xiv} For example, in 2003, DOJ alleged that poll workers in Berks County, Pennsylvania denied Spanish-speaking voters their right to bring assistors of choice into the voting booth.^{xv} The court found that poll workers’ behavior violated Section 208^{xvi} and contributed to a “hostile and unequal treatment of Hispanic and Spanish-speaking voters[.]”^{xvii} DOJ also sued Miami-Dade County in 2002 because poll workers prevented LEP Haitian American voters from having assistors of choice while voting.^{xviii} DOJ alleged that the county failed to train poll workers on their duty to allow voter

assistance under Section 208.^{xix}

Enforcement of Section 208 is critical because the denial of participation in an election is a wrong that cannot be made right.^{xx} Once an election is over, the harm to the voter cannot be redressed by money or any other remedy.^{xxi}

SECTION 208 IN THE STATES

Most states that have adopted Section 208 into their election codes follow the language of Section 208 without modification. However, some states are less clear about whether LEP voters would qualify for assistance, while other states provide more inclusive language. These variances can affect proper interpretation and implementation of the law.

Variances in statutory language

For example, Idaho's Section 208 provision states that a voter "who is unable by reason of physical or other disability to record his vote by personally marking his ballot and who desires to vote, then and in that case such elector shall be given assistance by the person of his choice...."^{xxii} The language is unclear about whether voters who cannot read or write English are included in this provision. This leaves open the possibility that poll workers would not consider an inability to read or write English as a reason to permit voters to have someone assist them.

At the other end of the spectrum, some states expand Section 208 language to clarify the statement "unable to read or write" to be inclusive of LEP voters. For example, Colorado's election code states that if "any elector requests assistance in voting, by reason of difficulties with the English language . . . the elector shall be entitled . . . to receive the assistance of . . . any person . . . provided that the person rendering assistance can provide assistance in both the language in which the elector is fluent and in English."^{xxiii} Kansas defines a voter requiring assistance as, "[a]ny voter unable to mark such person's ballot by reason of temporary illness, disability or lack of proficiency in reading the English language . . ."^{xxiv} Wisconsin provides that a voter who "cannot read or write, or has difficulty in reading, writing or understanding English," can request assistance.^{xxv} Such clarifying language is helpful for poll workers to easily understand that LEP voters are entitled to assistance.

Even in states that simply reiterate Section 208 language, confusion can arise with respect to LEP voters. During the 2012 General Election in Louisiana, voters were denied the right to assistants of their choice because poll workers did not understand the law. Louisiana law provides that a voter who is unable to read English is entitled to receive assistance in voting in accordance with Section 208.^{xxvi} Although the Louisiana statute tracks Section 208, a poll worker at the Mary Queen of Vietnam Church polling location in New Orleans erroneously thought that only LEP voters of languages covered by Section 203 of the VRA were entitled to assistance in voting. Because Vietnamese is not a covered Section 203 language in the county or state, the poll worker did not allow LEP Vietnamese voters the assistance of their choice when voting.^{xxvii}

State-imposed limitations on Section 208 Right to Assistance

Some states also impose restrictions on the right to assistance that are inconsistent with federal law. As mentioned above, Section 208 only sets forth two restrictions: (1) that the person giving assistance must be a person of the voter's choice, and (2) that the person providing assistance must not be the voter's employer, agent of that employer, or officer or agent of the voter's union.^{xxviii} However, several states have instituted more stringent restrictions that are likely to create barriers for LEP voters. Restrictions such as time limits, limits placed on the person providing assistance, and the exercise of discretion by election officials to determine voters' eligibility for assistance conflict with Section 208 and could lead to the denial of assistance to LEP voters.

Time limitations in the voting booth

Some states limit the amount of time a voter may remain in the voting booth. In Wyoming, no voter, including those needing assistance, may remain in the voting booth for more than 10 minutes.^{xxix} In Alabama, if any voter receives assistance after remaining in the voting booth for four minutes, the voter is given five minutes to vote if there is a line of other individuals waiting to vote. If there is no line, the voter is permitted as much time as needed to finish voting.^{xxx} While a time limit is a legitimate election administration regulation, it also unfairly burdens LEP voters who may require additional time to cast their votes. These types of provisions would be particularly problematic for elderly LEP voters as well.

Limits placed on person chosen to provide assistance

Several states limit the number of voters one person can assist. In Missouri, if a voter declares an inability to read or write English, the voter can be assisted by a person of the voter's choice. But the person assisting can only assist one voter per election, unless that person is an immediate family member of the voter.^{xxxi} In Arkansas, a person chosen to assist a voter can help up to six voters to mark and cast a ballot in an election.^{xxxii} While in Minnesota, the person providing assistance is only allowed to mark the ballots of up to three voters in an election.^{xxxiii} During the 2012 General Election in St. Paul, Minnesota, a group of Hmong LEP voters chose Election Protection volunteers to assist in casting their votes. Poll workers insisted on limiting each volunteer to three voters, in compliance with Minnesota law as they understood it.^{xxxiv} Advancing Justice | AAJC intervened and contacted the County Attorney's office to contend the issue as contrary to Section 208. The county agreed to allow the assistors to help more than three voters as long as two election judges observed the assistance being provided.

In Georgia, while no limitations are placed on assistors for federal elections, assistors are allowed to help no more than 10 voters in state and local elections.^{xxxv} The distinction Georgia makes between unrestricted assistance in federal elections and limited assistance in state and local elections indicates that perhaps

legislators were concerned that such a limitation would run afoul of Section 208 and therefore decided to only place restrictions on non-federal elections.

The limitation on how many voters one person can assist can easily lead to a situation where a voter is left with no one to provide assistance. For example, senior citizens from assisted living facilities often rely on volunteers to drive them to the polls and assist them on Election Day. In these situations, where voters are relying on the assistance of volunteers, once volunteers reach the limit, no additional voters can be helped.

In the face of not having someone they trust to assist them, voters may decide to not cast their votes at all. Congress was very concerned about this possibility when it enacted Section 208. Congress determined that “the manner of providing assistance has a significant effect on the free exercise of the right to vote by such people who need assistance.”^{xxxvi} Voters may feel apprehensive about casting a ballot in the presence of someone they have not chosen and may be forced to choose between casting a ballot under this adverse circumstance or forfeiting the right to vote.^{xxxvii} This concern was behind Congress’s determination that these voters must be permitted to choose who assists them.^{xxxviii} They believed that freedom to choose the assistor was the only way to ensure that voters could exercise their right to vote without intimidation or manipulation and that “[t]o do otherwise would deny these voters the same opportunity to vote enjoyed by all citizens.”^{xxxix}

Requirements that election judges approve assistance

At least one state introduces discretion by poll workers in approving assistance for LEP voters. In Tennessee, LEP voters seeking assistance must be deemed illiterate by an election judge at the polling site. Tennessee statute states that “[a] voter who claims, by reason of illiteracy or physical disability other than blindness, to be unable to mark the ballot to vote as the voter wishes and who, in the judgment of the officer of elections, is so disabled or illiterate, may rely on assistance from any person of the voter’s choosing.”^{xl} Allowing an election judge to determine whether or not a person does not know English well enough to cast a ballot introduces a discretionary element not expressly allowed under Section 208.

Confusion in application of interpreter laws and assistance laws

Confusion can also arise from the misapplication of interpreter laws as assistance laws. In Texas, there are separate statutes for Section 208 and interpreter assistance. Texas law states that a voter is eligible to receive assistance from the person of his or her choice to mark a ballot if a voter cannot prepare the ballot because of an inability to read the language on the ballot.^{xi} Texas also provides that voters who cannot communicate in English can communicate with an election worker through an interpreter selected by the

voter.^{xlii} The interpreter must be a registered voter of the county where the voter resides.^{xliii} Also, if the voter cannot understand the ballot, the interpreter is also allowed to “accompany the voter to the voting station for the purpose of translating the ballot to the voter.”^{xliv}

In both cases, the voter ultimately decides who can provide assistance, but if the person assisting is deemed an interpreter, meaning that the person facilitates conversation between the voter and election workers, then the assisting individual must be a registered voter. If the individual is deemed to assist with executing a ballot, then there is no need for the assistor to be a registered voter. Texas views assistance as “assistance in marking the ballot.”^{xlv} The requirements of these two statutes can easily lead to confusion in the polling place. One can imagine that a person chosen to assist an LEP voter in the voting booth must facilitate some communication between the voter and election officials in the process of getting the voter into the voting booth. Poll workers may possibly regard this as providing interpretation and require that the person also be a registered voter. Unfortunately, Texas provides no further clarification. Election materials highlight that both types of assistance are allowed but provide no guidance in addressing the potential confusion.^{xlvi} The state’s voter website also highlights both types of assistance.^{xlvii}

RECOMMENDATIONS AND BEST PRACTICES

Advancing Justice | AAJC believes that election officials and CBOs should work together to ensure that LEP voters can exercise their right to vote. Below are several recommendations, highlighting best practices and providing advocacy suggestions for CBOs to proactively engage election officials to promote the right to assistance for LEP voters.

Recommendation 1: Pre-election notification of the right to assistance of choice for LEP voters

Some states require election officials to provide public notice of the right to request assistance. Many post information on their voter websites. Informing voters in as many ways as possible about the right to assistance before Election Day will help LEP voters be more prepared when they come to the polls and will give them the confidence to vote knowing that someone they trust and who speaks their language will be with them through the voting process. States should also provide such information in-language in order to best reach those in need.

State best practice

- *Mandatory publication of right to assistance:* Illinois requires that election officials provide 60-days public notice of the right to request assistance.^{xlviii} Indiana requires their Secretary of State to post the Voters Bill of Rights, which includes access to LEP assistance, on the state website and to advertise the Voters Bill of Rights in news outlets no later than 30 days before an election.^{xlix}

- *Utilizing websites to publicize information on right to assistance:* In addition, whether or not required by statute, many states provide information on voting assistance on their websites. For example, Iowa’s Election Day FAQ page states that a voter who is unable to read the ballot may choose an assistor.¹ Colorado’s Election Day FAQs web page also indicates that “voters with special needs, including the need for language assistance, have the right to have an election judge or any other person they choose assist them with voting.”ⁱⁱ California, like Indiana, posts a voter’s bill of rights on its website that indicates that voters have the right to assistance.^{lii}

CBO advocacy tip

- CBOs can work with election officials to educate communities about the right to assistance in voting. For states that are required to provide notice, CBOs can suggest that election officials advertise in local ethnic media that serve LEP communities, or even offer to assist with translations. Where notice is not mandated, CBOs can work with election authorities to create translated one-pagers on voters’ rights that explain the right to assistance, and connect election officials with ethnic media outlets to publicize the upcoming election and the right to assistance. CBOs could also suggest that election officials develop an understanding of where LEP voters live in order to target outreach. These types of activities help create positive relationships between communities and election officials before Election Day to ensure that all voters in the community can effectively cast their ballots.

Recommendation 2: Informing voters of the right to assistance at the polling place

On Election Day, some precincts post a voter’s bill of rights at the polls. These posters make clear that voters have the right to assistance of their choice, including LEP voters.

State best practice

- Connecticut’s Secretary of the State provides local election officials with poster-size copies of the Voter’s Bill of Rights that must be conspicuously posted at all polling locations. The Voter’s Bill of Rights states that every registered voter has the right to “ask for and receive assistance in voting, including assistance in languages other than English where required by federal or state law.”^{liii}

CBO advocacy tip

- CBOs can work with election officials to encourage voluntary translation of the Voter’s Bill of Rights posters into languages that would serve local language minority groups. These posters should be prominently displayed alongside the English language posters to ensure their visibility. If election officials aren’t cooperative, CBOs can translate them onto flyers for community members and provide additional education on Section 208’s right to assistance before the election.

Recommendation 3: State guidance to local election officials about right to assistance for LEP voters

Guidance from Secretaries of State to local election officials regarding how to implement Section 208 requirements would go far in ensuring that LEP voters are treated fairly at the polls. Information on what Section 208 requires, how to manage requests for assistance, what to expect in these situations, and how state laws interact with this right would help local officials plan their poll worker trainings and set protocols for polling places.

State best practice

- *Advisory to local elections officials:* Texas issued an advisory to its County Clerks and Election Administrators reminding them of their federally mandated minority language requirements. The advisory provided an overview of state and federal laws regarding bilingual resources for voters that counties must abide by to be better prepared for elections. A similar advisory on Section 208 responsibilities would be highly useful as well.^{liv}

CBO advocacy tip

- CBOs could advocate with Secretaries of State to issue guidance on Section 208 to ensure that local election officials understand how to handle requests for assistance on Election Day. Guidance would remind local election authorities of their responsibility to implement Section 208 and offer suggestions on how to assist LEP voters. Such guidance should also explain how state laws related to voter assistance should be interpreted and applied.

Recommendation 4: Improved poll worker training on Section 208

Comprehensive poll worker training on how to interact with voters requiring assistance is essential to ensure not only that LEP voters successfully cast their ballots, but also to administer elections efficiently with as little delay as possible.

State best practice

- Iowa provides detailed guidance to election officials regarding LEP voters. Iowa's Precinct Election Official Guidebook lays out the procedure for when a voter who cannot read English or has a disability requests the assistance of someone of his or her choice. It notes that the poll worker should not ask the voter why help is needed and reviews the procedures and forms required to be completed in order for the voter to receive assistance. The guide also reminds poll workers to "treat each voter with the same respect and courtesy with which you would want to be treated."^{lv} In its general guidelines, Iowa also reminds poll workers that they are not permitted to "assume anything based on a voter's race, gender, language, disability, or appearance."^{lvi}

- Wisconsin’s Election Day Manual details the procedure to follow when voters inform poll workers of an inability to read or write or of a difficulty reading, writing, or understanding English.^{lvii} Poll workers must inform these voters of the right to assistance and allow the voter to select anyone to assist.^{lviii} In addition, the manual notes that challenging a voter based on their “appearance, speech, or inability to speak English is unacceptable” and the challenge should be dismissed.^{lix}

CBO advocacy tip

- CBOs can use their expertise on the area’s language minority communities to poll worker training by providing presentations or workshops, including on cultural sensitivity. CBOs can also work with local election officials to recruit bilingual poll workers to serve in areas where LEP voters live. In this way, CBOs engage directly with poll workers and can serve as allies to local election officials in their outreach.

Recommendation 5: Inclusive language of all voters in state laws

State laws that explicitly support assistance to LEP voters and do not limit assistance lessen the likelihood that election officials and poll workers will needlessly deny LEP voters of their right to vote with assistance. Laws that are inclusive send a message to poll workers and election officials that they should always err on the side of making voting more accessible to LEP voters.

State best practice

- Colorado’s election code states that its election laws should be “liberally construed so that all eligible electors may be permitted to vote.”^{lx} The law explicitly states that the legislature intended that “non-English-speaking citizens, like all other citizens, should be encouraged to vote,” and that “appropriate efforts should be made to minimize obstacles to registration by citizens who lack sufficient skill in English to register without assistance.”^{lxi}
- Kansas defines a voter requiring assistance as, “[a]ny voter unable to mark such person's ballot by reason of temporary illness, disability or lack of proficiency in reading the English language...”^{lxii}
- Wisconsin provides that a voter who “cannot read or write, or has difficulty in reading, writing or understanding English,” can request assistance.^{lxiii}

CBO advocacy tip

- For CBOs in states that limit the right to assistance, advocates can work with the Secretary of State to obtain information on how the limitations are applied. CBOs can discuss with election officials how the limitations can lead to the denial of Section 208 rights to voters and ultimately the denial of the right to vote. Raising these issues could lead to possible solutions. As seen in Minnesota, compromises can be achieved so that LEP voters can receive the assistance required. If the Secretary of State is uncooperative,

a legislative effort to change the laws may be needed. Such an effort would involve a more intense campaign that would require the introduction of legislation to change the statutory language.

NEXT STEP: FEDERAL GUIDANCE

Guidance from the DOJ for state and local election officials would help address some of the concerns set forth in this report. Practical steps for achieving compliance can be provided through written guidelines, as well as through local- and state-based advocacy. In the past, DOJ issued guidance on the VRA's other provisions that furthered compliance by state and local election officials on measures supporting language minority groups.^{lxiv}

Written guidelines should emphasize the intent of the statute and explain that certain limitations are impermissible. For example, DOJ guidance clarifying that Section 208 does not permit restrictions to the number of voters an assistor can help would improve application of Section 208 in many states. In previous litigation, jurisdictions have been obligated to refrain from placing any limitations on assistors under Section 208. In a consent decree between DOJ and Passaic City and Passaic County, New Jersey, the county agreed not to construe New Jersey's statutory limitation on the amount of time a voter can take to vote^{lxv} to limit the time taken by a voter who requires assistance under Section 208, and that the limitation on persons allowed in the polling place^{lxvi} could not limit a voter in the choice of his assistor, or prevent an assistor from assisting more than one voter.^{lxvii} Furthermore, in the case *United States v. Berks County, Pennsylvania* a federal court prohibited the county from construing its state laws to "limit a voter's choice of assistor or to prevent an assistor from assisting more than one voter."^{lxviii}

To the extent that DOJ hosts any in-person meetings, telebriefings, or webinars with state or local election officials, or attends conferences or events with election officials, DOJ should include Section 208 guidelines in its discussions and presentations to remind election officials of their obligations to ensure that assistance is easily available to LEP voters. By engaging with election officials on the issue, DOJ can address any specific implementation questions that may arise.

CONCLUSION

For LEP citizens who face everyday barriers in accessing social services such as healthcare, transportation, housing, and education, the ability to participate in the political process promotes civic engagement and gives communities' confidence to actualize their political power.^{lxix} Language assistance is of great value to LEP citizens, especially the elderly who have suffered from unequal educational and socio-economic opportunities.^{lxx} When barriers to equal participation in the political process are as apparent as they are for LEP voters, the public interest requires that all necessary efforts be made to immediately and completely remove these barriers.^{lxxi} Doing so reinforces the core principles of a free and democratic society.^{lxxii}

Section 208 is critical toward that end in that it has the potential to remove these barriers and improve the quality of the voting experience for LEP voters, encourage those who may have otherwise not voted due to their difficulties with English to participate in elections, and ultimately help increase the turnout of LEP voters in future elections. Election officials and poll workers must understand and properly implement Section 208 for LEP voters to easily and successfully exercise their right to vote.

As community members and voters, Asian Americans can inform their friends and family about the right to assistance, thus ensuring that community members are aware of their rights, and can also help prevent Section 208 violations before they happen. Asian American voters can volunteer to assist LEP voters on Election Day, watch for instances where poll workers deny voters the right of assistance, and even advocate on Section 208 rights to local election officials.^{lxxiii}

Understanding and asserting the right to assistance provided by Section 208 is key for Asian Americans to amplify the communities' voices at all levels of government, from local city councils to Congress. Former U.S. Solicitor General Archibald Cox said that an "electoral process without language barriers makes it plain to all that we are one nation with one government for all the people."^{lxxiv} Ensuring that all citizens, regardless of language ability, can effectively exercise their right to vote underscores the core American values of democratic participation and political equality.

ⁱ Asian American Center for Advancing Justice, “A Community of Contrasts: Asian Americans in the US” (2011) available at <http://www.advancingjustice.org/publication/community-contrasts-asian-americans-us-2011> (last accessed October 2014).

ⁱⁱ “Voting Assistance For Blind, Disabled or Illiterate Persons,” 42 U.S.C. § 1973aa-6 (2011).

ⁱⁱⁱ See “Bilingual Election Requirements,” 42 U.S.C.S. §1973aa-1a (2014) and 42 USC § 1973aa-6. In addition to these specific language assistance provisions, Section 2 of the Voting Rights Act (VRA), which prohibits voting discrimination nationwide, covers discrimination against language minority voters. See “Denial or Abridgement of Right to Vote on Account of Race or Color Through Voting Qualifications or Prerequisites; Establishment of Violation,” 42 U.S.C.S. § 1973 (2014). See also Section 4(e) of the VRA, enacted in 1965, requiring that language materials and assistance be provided to Puerto Rican voters who attended schools where the classroom language was not English. 42 U.S.C.S. § 1973b(e) (2014). See also Section 4(f)(4) of the VRA, enacted in 1975, requiring certain jurisdictions to provide the same language assistance as required under Section 203 for covered languages but also requiring jurisdictions to obtain Section 5 preclearance for any voting changes prior to implementation. 42 U.S.C.S. § 1973b(f) (2014).

^{iv} See 42 U.S.C.S. 1973aa-1a (2014). Section 203 applies only to Latinos, Asian Americans, American Indians, and Alaskan Natives because Congress has continually found that they have faced and continue to face significant voting discrimination because of their race and ethnicity. For detailed information on how Section 203 applies to Asian American communities nationwide, see Asian American Center for Advancing Justice, Help Asian Americans Protect their Voting Rights: A Guide to Ensure Language Assistance during Elections 4 (2012).

^v Unlike Section 203, there are no language restrictions to Section 208. Thus any voter who has difficulty with English can benefit from Section 208 no matter what their native language is. Asian Americans Advancing Justice, “Voices of Democracy: Asian Americans and Language Access During the 2012 Elections 5” (2013) available at <http://www.advancingjustice.org/publication/section-203-voices-democracy-report-2012> (last accessed October 2014).

^{vi} See 42 USC § 1973aa-6.

^{vii} *Ibid.*

^{viii} S. Rep. No. 97-417 at 2 (1982) (hereinafter “Senate Report”).

^{ix} *Ibid.* at 62.

^x *Ibid.*

^{xi} *Ibid.*

^{xii} Angelo N. Ancheta, *Language Accommodation and the Voting Rights Act in VOTING RIGHTS ACT REAUTHORIZATION OF 2006: PERSPECTIVES ON DEMOCRACY, PARTICIPATION, AND POWER*, 293, 304 (Ana Henderson ed., 2007).

^{xiii} 42 U.S.C. §1973j(d). See also *Berks County*, 277 F. Supp. 2d at 577.

^{xiv} See http://www.justice.gov/crt/about/vot/litigation/recent_208.php (last visited June 25, 2014).

^{xv} *Berks County*, 250 F. Supp. 2d 525, 530-531 (2003) (illustrates incidents of poll workers denying assistors of choice for LEP Hispanic voters).

^{xvi} *Berks County*, 277 F. Supp. 2d at 580.

^{xvii} See *ibid.* at 575-577.

^{xviii} Consent Order, *United States v. Miami-Dade County* (No. 02-21698, S.D. Fla., June 17, 2002), available at http://www.justice.gov/crt/about/vot/sec_2/miamidade_cd.php (last visited May 23, 2014).

^{xix} *Ibid.* at 2-3.

^{xx} *Berks County*, 277 F. Supp. 2d at 582.

^{xxi} *Berks County*, 250 F. Supp. 2d at 541.

^{xxii} “Conduct of Elections,” Idaho Code § 34-1108 (2014).

^{xxiii} “Elections,” C.R.S. 1-7-112(1)(a) (2013).

^{xxiv} “Voting by persons requiring assistance; disability, definition of,” K.S.A. § 25-2909(2)(a) (2013).

^{xxv} “Receipt of Ballot at Poll Entrance,” Wis. Stat. § 6.82 (2)(a) (2014).

^{xxvi} “Assistance in Voting on Election Day,” La. R.S. 18:564 (2013).

^{xxvii} Lawyers Committee for Civil Rights Under Law, *The 2012 Election Protection Report: Our Broken Voting System and How to Repair It*, 44 (2013).

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- xxviii “Voting Assistance for Blind, Disabled, or Illiterate Persons,” 42 U.S.C. § 1973aa-6.
- xxix “Elections,” Wyo. Stat. § 22-13-113 (2014).
- xxx “Voting Assistance; Time Allowed to Finish Voting,” Code of Ala. § 17-9-13 (2014).
- xxxi “Election Authorities and Conduct of Elections,” § 115.445(3) R.S.Mo. (2014).
- xxxii “Privacy—Assistance to Disabled Voters,” A.C.A. §7-5-310 (b)(4)(b) (2014).
- xxxiii Minn. Stat. § 204C.15 (2014).
- xxxiv *Ibid.*
- xxxv “Voter Assistance,” O.C.G.A. §21-2-409 (2013).
- xxxvi Senate Report at 62.
- xxxvii *Ibid.*
- xxxviii *Ibid.*
- xxxix *Ibid.*
- xl “Procedure for Voting,” TN Code Ann. §2-7-116(a)(1) (2014).
- xli “Voting Generally,” Tex. Elec. Code § 64.031 (2014).
- xlii “General Provisions,” Tex. Elec. Code § 61.032 (2014).
- xliiii “General Provisions,” Tex. Elec. Code § 61.033 (2014).
- xliiii “General Provisions,” Tex. Elec. Code § 61.034 (2014).
- xliv “Voting Generally,” Tex. Elec. Code § 64.031.
- xlvi See Handbook for Election Judges and Clerks 2014 issued by The Office of the Texas Secretary of State, Elections Division 31-34 available at: <http://www.sos.state.tx.us/elections/laws/cclerklaws.shtml>, last visited July 15, 2014. In 2013, senators introduced Senate Bill 722 seeking to match the Section 208 assistance provision by amending the interpreter laws so that an interpreter if selected by the voter did not have to be a registered voter. The Texas legislature passed the bill, but Governor Rick Perry vetoed it. See <http://legiscan.com/TX/bill/SB722/2013> (last visited July 15, 2014).
- xlvi See Texas Secretary of State Website, Voters With Special Needs Section, <http://www.votetexas.gov/voters-with-special-needs/> (last visited July 16, 2014).
- xlvi “Elections,” 10 ILCS 5/12-1 (2014).
- xlvi “Content of Statement of Bill of Rights,” Burns Ind. Code Ann. § 3-5-8 (2014).
- l Election Day FAQ, <http://sos.iowa.gov/elections/voterinformation/edfaq.html#7> (last visited July 16, 2014).
- li Election Day FAQs, <http://www.sos.state.co.us/pubs/elections/FAQs/ElectionDay.html> (last visited July 16, 2014).
- lii California Voter Bill of Rights, <http://www.sos.ca.gov/elections/voter-bill-of-rights/> (last visited July 16, 2014).
- lii “Voter’s Bill of Rights,” Conn. Gen. Stat. § 9-236b (2014).
- liv Language Minority Requirements from Keith Ingram, Director of Elections to County Clerks/Elections Administrators and County Chairs June 23, 2014 (Advisory No. 2014-13) available at: <http://www.sos.state.tx.us/elections/laws/advisory-2014-13-minority-language.shtml> (last visited July 16, 2014).
- lv Precinct Election Official Guidebook, Office of Iowa Secretary of State, 16, July 2010 available at: <http://sos.iowa.gov/elections/pdf/peo/Guide.pdf> (last visited July 16, 2014).
- lvi *Ibid* at 3.
- lvii Election Day Manual for Wisconsin Election Officials, Elections Division Government Accountability Board, State of Wisconsin, 56, October 2012 available at: http://gab.wi.gov/sites/default/files/publication/65/election_day_manual_pdf_15730.pdf.
- lviii *Ibid* at 56-57
- lix *Ibid* at 66.
- lx “Election Code Liberally Construed,” C.R.S. 1-1-103(1) (2013).
- lxi “Election Code Liberally Construed,” C.R.S. 1-1-103(2) (2013).
- lxii “Election Administration,” K.S.A. § 25-2909(2)(a) (2013).
- lxiii “Aid in marking Ballot,” Wis. Stat. § 6.82 (2)(a) (2014).
- lxiv In 2002, DOJ took a number of steps to ensure that jurisdictions covered under Section 203 of the VRA were aware of their obligations, including mailing formal notices and detailed information on compliance to each of the 296 covered jurisdictions across the United States. DOJ also published written guidelines in the Federal Register. See “Implementation of the Provisions of the Voting Rights Act Regarding Language Minority Groups.” 28 C.F.R. Part 55 (2011).

lxv "Time Allowed a Voter," (N.J.S.A. 19:52-3)

lxvi "Persons Allowed in Polling Place; Simulated Polling," (N.J.S.A. 19:15-8)

lxvii (Consent Decree, *United States v. Passaic City, New Jersey and Passaic County, New Jersey*, No. 99-2544, June 4, 1999).

lxviii "US v. Berks County," 277 F. Supp. 570, 584 (2003).

lxix *See* Community of Contrasts *supra* note 1, at 24.

lxx *See* Senate Report at 65-66.

lxxi *Berks County*, 250 F. Supp. 2d at 541.

lxxii *Ibid.*

lxxiii Advancing Justice | AAJC is available to assist communities that experience problems with exercising the right to assistance and to provide additional information regarding Section 208. If assistance is needed, please contact us at voting@advancingjustice-aaic.org.

lxxiv Senate Report at 66.

APPENDIX
STATE-SPECIFIC SECTION 208 INFORMATION

Alabama (AL)

Demographics

Asian American Population	67,036
Percentage of Asian American Population	1.40%
Limited English Proficiency among Asian Americans (Speaks English “less than very well”)	35.72%
Asian American Voter Registration Rate	N/A* (Non-Hispanic White: 75.6%)

Section 208 of the Voting Rights Act

Right to Assistor of Choice – State Specifics

Relevant State Statutes	<p>Ala. Code § 11-46-111: Assistance of Disabled Electors Generally – A voter who states under oath that he is unable to prepare the ballot due to his inability to write English, may have the assistance of any person he may select. In cities of more than 3,000 inhabitants, the elector and the person selected to assist him shall retire to a booth or compartment and there prepare the elector's ballot. In all other cities or towns they shall be permitted to prepare it at any point in the polling place.</p> <p>Ala. Code §17-9-13: Voting Assistance; Time Allowed to Finish Voting – (a) Any person who requests assistance in voting may receive assistance from any person the voter chooses except the voter's employer, an agent of the employer, or an officer or agent of the voter's union by specifically naming the person who will provide assistance and by signing in the appropriate column of the voters' poll list. (b) Any voter remaining in a voting station for more than 4 minutes may be asked by a poll official if he or she requires assistance and shall be reminded that he or she has the right to have the assistance of any other person as permitted by law in this section. If the voter does not request assistance, the voter shall be permitted to remain in the voting station for 1 additional minute. If the voter requests assistance, he may have the assistance from the person of his choice currently in the voting place, and may have additional 5 minutes to vote. Before leaving the voting place, the voter's poll list must be revised to reflect that assistance was received.</p> <p>Ala. Code §11-46-122: Instruction of Voters in Use of Machines; Oath, etc., of Disabled Voters; Assistance of Voters – (a) If an illiterate voter desires the assistance of a federal observer in casting his ballot, the election officials shall permit such federal observer to assist such illiterate voter in casting his ballot. If any voter, after entering the voting machine booth and before the closing of such booth, shall ask for further instructions concerning the manner of voting, he may choose an election officer or other person of his choice who shall give him such instructions.</p>
Enforcement Actions	N/A
Best Practices	N/A

* Base is less than 75,000 and therefore too small to provide an estimate. U.S. Census Bureau, Current Population Survey, November 2012.

Alaska (AK)

Demographics

Asian American Population	50,402
Percentage of Asian American Population	7.10%
Limited English Proficiency among Asian Americans (Speaks English “less than very well”)	40.30%
Asian American Voter Registration Rate	N/A* (Non-Hispanic White: 77.5%)

Section 208 of the Voting Rights Act

Right to Assistor of Choice – State Specifics

Relevant State Statutes	Alaska Stat. § 15.15.240: Voter Assistance – A qualified voter may request an election official, a person, or not more than two persons of the voter's choice to assist. If a person other than election official is requested, the person shall state upon oath before the election official that he or she will not divulge the vote cast by the person assisted.
Enforcement Actions	In 2007 and 2008, the Native American Rights Fund and the ACLU sued in federal court to order state and local elections officials to provide effective oral assistance and voting materials to citizens who speak Yup-ik, the primary language of a majority of voters in the Bethel region of Alaska. They alleged violations under Sections 203 and 208 http://narf.convio.net/site/DocServer/NARF_ACLU_may_2008_PDF.pdf ; http://www.aclu.org/images/asset_upload_file787_30073.pdf ; www.aclu.org/votingrights/gen/36220lg120080730.html - order granting preliminary injunction; http://www.aclu.org/voting-rights/federal-court-upholds-voting-rights-alaska-natives-who-need-language-assistance).
Best Practices	N/A

* Base is less than 75,000 and therefore too small to provide an estimate. U.S. Census Bureau, Current Population Survey, November 2012.

Arizona (AZ)

Demographics

Asian American Population	230,907
Percentage of Asian American Population	3.61%
Limited English Proficiency among Asian Americans (Speaks English “less than very well”)	29.70%
Asian American Voter Registration Rate	32.0% (Non-Hispanic White: 70.5%)

Section 208 of the Voting Rights Act

Right to Assistor of Choice – State Specifics

Relevant State Statutes	Ariz. Rev. Stat. Ann. § 16-580: <i>Manner of Voting; Assistance for Certain Electors</i> – (G) Any registered voter may be accompanied and assisted by a person of the voter's own choice, or by two election officials (one from each major political party) during any process relating to voting or during the actual process of voting. A person who is a candidate for an office in that election other than the office of precinct committeeman is not eligible to assist any voter.
Enforcement Actions	N/A
Best Practices	Maintains a voter information website in English and Spanish. (http://www.azsos.gov/election/voterinformation.htm)

Arkansas (AR)

Demographics

Asian American Population	44,943
Percentage of Asian American Population	1.54%
Limited English Proficiency among Asian Americans (Speaks English “less than very well”)	34.50%
Asian American Voter Registration Rate	N/A* (Non-Hispanic White: 67.9%)

Section 208 of the Voting Rights Act

Right to Assistor of Choice – State Specifics

Relevant State Statutes	Ark. Code § 7-5-310: Privacy—Assistance to Voters with Disabilities – (b)(1) A voter shall inform the poll workers at the time that the voter presents himself or herself to vote that he or she is unable to mark or cast the ballot without help and needs assistance in casting his or her ballot. (2) The voter shall be directed to a voting machine equipped for use by persons with disabilities by which he or she may elect to cast his or her ballot without assistance, or the voter may request assistance with either the paper ballot or the voting machine, depending on the voting system in use for the election by two poll workers or a person named by the voter. (3) If the voter is assisted by two poll workers, one of the poll workers shall observe the voting process and the other may assist the voter in marking and casting the ballot according to the wishes of the voter without comment or interpretation. (4) If the voter is assisted by the one person named by the voter, he or she may assist the voter in marking and casting the ballot according to the wishes of the voter without any comment or interpretation. No person shall assist more than six voters in marking and casting a ballot at an election with the exception of a poll worker, the county clerk during early voting, or the deputy county clerk during early voting.
Enforcement Actions	N/A
Best Practices	Arkansas' Secretary of State has a webpage about voter FAQs, including one about voter assistance. (http://www.sos.arkansas.gov/elections/Pages/votingFAQs.aspx)

* Base is less than 75,000 and therefore too small to provide an estimate. U.S. Census Bureau, Current Population Survey, November 2012.

California (CA)

Demographics

Asian American Population	5,556,592
Percentage of Asian American Population	14.92%
Limited English Proficiency among Asian Americans (Speaks English “less than very well”)	36.83%
Asian American Voter Registration Rate	57.9% (Non-Hispanic White: 72.0%)

Section 208 of the Voting Rights Act

Right to Assistor of Choice – State Specifics

Relevant State Statutes	<p>Cal. Elec. Code § 2103: <i>Encouragement of Registration</i> – Directs counties with over three percent of non-English speaking population make "reasonable efforts" to recruit poll workers fluent in another language to encourage non-English speaking citizens to vote by minimizing obstacles of registration.</p> <p>Cal. Elec. Code § 14282: <i>Assistance when voter unable to mark ballot; Oath</i> (a) When a voter declares under oath that the voter is then unable to mark a ballot, the voter shall receive the assistance of not more than two persons selected by the voter, other than the voter's employer, an agent of the voter's employer, or an officer or agent of the union of which the voter is a member.</p>
Enforcement Actions	N/A
Best Practices	<p>Example of county-level language minority voting rights FAQ sheet (Sacramento County) http://www.elections.sacounty.net/VotingInformation/Documents/sac_031594.pdf</p> <p>California law allows for translation of these materials into other languages if there is “a significant and substantial need.” In California where 3% of the voting age citizens are limited-English proficient, local jurisdictions must provide language assistance in the form of translated election materials or bilingual staff.</p>

Colorado (CO)

Demographics

Asian American Population	185,589
Percentage of Asian American Population	3.69%
Limited English Proficiency among Asian Americans (Speaks English “less than very well”)	34.17%
Asian American Voter Registration Rate	40.0% (Non-Hispanic White: 78.7%)

Section 208 of the Voting Rights Act

Right to Assistor of Choice – State Specifics

Relevant State Statutes	<p>Colo. Rev. Stat. § 1-7-111: <i>Electors Requiring Assistance</i> – (1)(a) If at any election, any registered elector declares to the election judges that, by reason of disability, inability to read or write, or difficulties with the English language, he or she is unable to prepare the ballot or operate the voting device or electronic voting device without assistance, the elector is entitled, upon making a request, to receive the assistance of any one of the election judges or, at the elector's option, any person selected by the eligible elector requiring assistance.</p> <p>Colo. Rev. Stat. § 1-5-504.5: <i>Items to be Posted at Polling Locations</i> – Requires an explanation of voting assistance be available to voters with disabilities under § 1-7-111.</p> <p>Colo. Rev. Stat. § 1-1-103: <i>Election Code Liberally Construed</i> – (2) Like all other citizens, non-English-speaking citizens should be encouraged to vote, and therefore, appropriate efforts should be made to minimize obstacles to registration by citizens who lack sufficient skill in English to register without assistance.</p>
Enforcement Actions	N/A
Best Practices	N/A

Connecticut (CT)

Demographics

Asian American Population	157,088
Percentage of Asian American Population	4.40%
Limited English Proficiency among Asian Americans (Speaks English “less than very well”)	31.78%
Asian American Voter Registration Rate	46.1% (Non-Hispanic White: 73.5%)

Section 208 of the Voting Rights Act

Right to Assistor of Choice – State Specifics

Relevant State Statutes	Conn. Gen. Stat. Ann. § 9-264: <i>Assistance to elector who is blind, has disability or is unable to write or to read the ballot–</i> An elector who requires assistance to vote, by reason of blindness, disability or inability to write or to read the ballot, may be given assistance by a person of the elector's choice, other than (1) the elector's employer, (2) an agent of such employer, (3) an officer or agent of the elector's union, or (4) a candidate for any office on the ballot, unless the elector is a member of the immediate family of such candidate. The person assisting the elector may accompany the elector into the voting booth. Such person shall register such elector's vote upon the ballot as such elector directs.
Enforcement Actions	N/A
Best Practices	N/A

Delaware (DE)

Demographics

Asian American Population	33,701
Percentage of Asian American Population	3.75%
Limited English Proficiency among Asian Americans (Speaks English “less than very well”)	28.42%
Asian American Voter Registration Rate	N/A* (Non-Hispanic White: 75.9%)

Section 208 of the Voting Rights Act

Right to Assistor of Choice – State Specifics

Relevant State Statutes	<p>Del. Code Ann. tit. 15 § 4943: <i>Voting assistance based on blindness, disability, or illiteracy; instructions for voters –</i></p> <p>(a) Any voter who requires assistance to vote by reason of blindness, disability, or inability to read or write may be given assistance by any election officer or a person of the voter's choice, other than the voter's employer or agent of that employer or officer or agent of the voter's union.</p> <p>(b) Any election officer may provide instruction or information for a voter through use of one of the sample ballots posted in the voting room.</p> <p>(c) Whenever a voter requests further instructions in the manner of voting or the operation of the voting machine after having entered the voting machine booth, 2 election officers of opposite political parties shall jointly give such instructions. In doing so, the officers shall take care not to assist the voter in any manner that might influence that voter’s vote. After giving instructions, both officers must retire before the voter begins to register that voter’s vote.</p>
Enforcement Action	N/A
Best Practices	Delaware voting guide, informing citizens about assistance they may receive. (http://elections.delaware.gov/pdf/Voting%20in%20Delaware.pdf)

* Base is less than 75,000 and therefore too small to provide an estimate. U.S. Census Bureau, Current Population Survey, November 2012.

District of Columbia (DC)

Demographics

Asian American Population	26,857
Percentage of Asian American Population	4.46%
Limited English Proficiency among Asian Americans (Speaks English “less than very well”)	17.66%
Asian American Voter Registration Rate	N/A* (Non-Hispanic White: 86.4%)

Section 208 of the Voting Rights Act

Right to Assistor of Choice – State Specifics

Relevant State Statutes	<p>D.C. Code § 1-1001.05: <i>Board of Elections--Duties</i> The Board shall “[t]ake reasonable steps to facilitate voting by blind persons and persons with physical and developmental disabilities, qualified to vote under this subchapter, and to authorize such persons to cast a ballot with the assistance of a person of their own choosing[.]”</p> <p>D.C. Code § 1-1001.09: <i>Secrecy required; place of voting; watchers; challenged ballots; assistance in marking ballot or operating voting machine</i> (f) If a qualified elector is unable to record his or her vote by marking the ballot or operating the voting machine an official of the polling place shall, on the request of the voter, enter the voting booth and comply with the voter's directions with respect to recording his or her vote. Upon the request of any such voter, a second official of the polling place shall also enter the voting booth and witness the recordation of the voter's directions. The official or officials shall in no way influence or attempt to influence the voter's decisions, and shall tell no one how the voter voted. The official in charge of the voting place shall make a return of all such voters, giving their names and disabilities.</p>
Enforcement Actions	N/A
Best Practices	DC Board of Elections maintains a webpage listing voter’s rights (available https://www.dcboee.org/voter_info/gen_info/voters_rights.asp)

* Base is less than 75,000 and therefore too small to provide an estimate. U.S. Census Bureau, Current Population Survey, November 2012.

Florida (FL)

Demographics

Asian American Population	573,083
Percentage of Asian American Population	3.05%
Limited English Proficiency among Asian Americans (Speaks English “less than very well”)	30.1%
Asian American Voter Registration Rate	48.4% (Non-Hispanic White: 68.9%)

Section 208 of the Voting Rights Act

Right to Assistor of Choice – State Specifics

Relevant State Statutes	<p>Fla. Stat. Ann. 101.051: <i>Electors seeking assistance in casting ballots—</i></p> <p>(1) A voter in any election who requires assistance to vote by reason of blindness, disability, or inability to read or write may request the assistance of two election officials or a person of the voter’s own choice, other than the voter’s employer, an agent of the employer, or an officer or agent of his or her union, to assist in casting the vote.</p> <p>(4) Requires a voter wishing to make use of voting assistance to make a declaration to secure assistance and have the voter’s assistor make a declaration to provide assistance.</p>
Enforcement Actions	<p><i>United States v. Orange County (S.D. Fla. 2002):</i> The DOJ filed complaint against Orange County for allegedly violating Section 208 because poll workers interfered with the ability of voters to receive language assistance from the persons of their choice. A consent decree was ordered to permit voters their assistors of choice consistent with Section 208.</p> <p><i>United States v. Miami-Dade County (S.D. Fla. 2002):</i> The DOJ filed complaint against Miami-Dade County alleging that county poll officials prevented Creole-speaking Haitian American voters from receiving assistance at the polls from persons of their choice in violation of Section 208. The court approved a consent order requiring the county to train election officials on Section 208 and monitor their performance on election day.</p> <p><i>United States v. Osceola County (M.D. Fla. 2002):</i> The DOJ filed suit against Osceola county for violation of Section 208, alleging that election officials would not permit Hispanic voters to bring assistors of their choice into polling places. A consent decree was ordered to permit voters their assistors of choice.</p>
Best Practices	N/A

Georgia (GA)

Demographics

Asian American Population	365,497
Percentage of Asian American Population	3.77%
Limited English Proficiency among Asian Americans (Speaks English “less than very well”)	37.92%
Asian American Voter Registration Rate	43.6% (Non-Hispanic White: 72.0%)

Section 208 of the Voting Rights Act

Right to Assistor of Choice – State Specifics

Relevant State Statutes	<p>Ga. Code Ann. § 21-2-409: Assistance in voting – (a) A voter who is unable to read the English language or has a disability is entitled to receive assistance. A person assisting the voter shall identify himself and record such information on the disabled elector’s voter certificate showing that he provided assistance.</p> <p>(b)(1) In elections in which there is a federal candidate on the ballot, any voter who is entitled to receive assistance in voting under this section can select any person of their choice except such elector’s employer or the elector’s union.</p> <p>(2) In all other elections, any voter who is entitled to receive assistance in voting under this section shall be permitted by the managers to select A) any voter, except a poll officer or poll watcher, who is a resident of the precinct in which the elector requiring assistance is attempting to vote; or B) a family member, or attendant care provider of the voter entitled to provide assistance by entering the voting booth to assist in voting. No person shall assist more than ten such electors in any primary, election, or runoff covered by this paragraph.</p> <p>Ga. Code Ann. § 21-2-385: Voting by absentee electors; penalties – (b) A physically disabled or illiterate elector may receive assistance in preparing his or her ballot from one of the following: any elector who is qualified to vote in the same county or municipality as the disabled or illiterate elector; an attendant care provider or a family member of the disabled or illiterate elector. The person rendering assistance to the elector in preparing the ballot shall sign the oath printed on the same envelope as the oath to be signed by the elector. No person shall assist more than ten such electors in any primary, election, or runoff in which there is no federal candidate on the ballot. Any person who willfully violates this subsection shall be guilty of a felony and shall be sentenced to imprisonment for not less than one nor more than ten years or to pay a fine not to exceed \$100,000.00, or both, for each such violation.</p>
Enforcement Actions	N/A
Best Practices	N/A

Hawai'i (HI)

Demographics

Asian American Population	780,968
Percentage of Asian American Population	57.41%
Limited English Proficiency among Asian Americans (Speaks English "less than very well")	24.16%
Asian American Voter Registration Rate	56.3% (Non-Hispanic White: 76.0%)

Section 208 of the Voting Rights Act

Right to Assistor of Choice – State Specifics

Relevant State Statutes	<p>Haw. Rev. Stat. § 11-139: <i>Voting assistance</i>—</p> <p>(a) Except as otherwise provided, any voter who requires assistance to vote at a polling place or by absentee ballot may be given assistance by a person of the voter's choice. If the voter requires assistance at a polling place, the voter may choose to receive the assistance of two precinct officials who are not of the same political party. Additionally, a voter needing assistance at a polling place may choose to be handed a ballot outside the polling place but within one hundred feet thereof or within the polling place parking lot by the precinct officials and in their presence but in a secret manner, mark and return the same to the precinct officials. The voter's employer or agent of that employer, agent of the voter's labor union, or a candidate for any office that is listed on the ballot shall not provide assistance. Written or oral instructions delivered via telephone, electronic means, or mail shall not be deemed assistance prohibited by this section provided the voter's employer or agent of that employer, agent of the voter's labor union, or a candidate for any office listed on the ballot is not physically present with the voter when the instructions are delivered.</p> <p>(b) If assistance is provided pursuant to subsection (a), the precinct officials providing assistance shall enter in writing in the record book the following:</p> <ol style="list-style-type: none">(1) The voter's name;(2) The fact that the voter cannot read the names on the ballot, if that is the reason for requiring assistance, and otherwise, the specific physical disability which requires the voter to receive assistance; and(3) The name or names of the person or persons furnishing the assistance.
Enforcement Actions	N/A
Best Practices	Hawaii's election FAQ, available at http://www.866ourvote.org/state/materials/HI-FAQ-2012-FINAL.pdf

Idaho (ID)

Demographics

Asian American Population	29,698
Percentage of Asian American Population	1.89%
Limited English Proficiency among Asian Americans (Speaks English “less than very well”)	28.88%
Asian American Voter Registration Rate	N/A* (Non-Hispanic White: 72.3%)

Section 208 of the Voting Rights Act

Right to Assistor of Choice – State Specifics

Relevant State Statutes	Idaho Code Ann. § 34-1108: Assistance to voter– (1) If any registered elector is unable, due to physical or other disability, to enter the polling place, he may be handed a ballot outside the polling place but within 40 feet thereof by one of the election clerks, and in his presence but in a secret manner, mark and return the same to such election officer who shall proceed as provided by law to record the ballot. (2) If any registered elector, who is unable by reason of physical or other disability to record his vote by personally marking his ballot and who desires to vote, then and in that case such elector shall be given assistance by the person of his choice or by one of the election clerks. Such clerk or selected person shall mark the ballot in the manner directed by the elector and fold it properly and present it to the elector before leaving the voting compartment or area provided for such purpose. The elector shall then present it to the judge of election in the manner provided above.
Enforcement Action	N/A
Best Practices	N/A

* Base is less than 75,000 and therefore too small to provide an estimate. U.S. Census Bureau, Current Population Survey, November 2012.

Illinois (IL)

Demographics

Asian American Population	668,694
Percentage of Asian American Population	5.21%
Limited English Proficiency among Asian Americans (Speaks English “less than very well”)	33.06%
Asian American Voter Registration Rate	64.0% (Non-Hispanic White: 74.3%)

Section 208 of the Voting Rights Act

Right to Assistor of Choice – State Specifics

Relevant State Statutes	<p>10 Ill. Comp. Stat. 5/17-14: <i>Assistance in marking ballots—</i> Tracks the language of VRA § 208 and specifically provides right of assistance to voter who has the inability to read, write, or speak English.</p> <p>10 Ill. Comp. Stat. 5/7-48: <i>Assistance in marking ballot—(primary elections)</i> Expands the rights under <i>10 Ill. Comp. Stat. 5/17-14</i> to primary elections.</p> <p>10 Ill. Comp. Stat. 5/5-7.01: <i>Physical disability or inability to read English; marking registration cards of persons in need of assistance in voting—</i> Provides that if a voter declares that he cannot read the English language and that he will require assistance in voting, all his registration cards shall be marked with a distinguishing color.</p> <p>10 Ill. Comp. Stat. 5/12-1: <i>Manner of giving notice; form—</i> Provides that the election authority should provide public notice of the availability of assistance in marking the ballot at least 60 days prior to each general and consolidated election.</p>
Enforcement Actions	<p><i>United States v. Kane County, IL</i> (N.D. Ill. 2007): DOJ filed suit against Kane County for allegedly violating Section 208. The parties entered into a settlement agreement where Kane County agreed, inter alia, to comply with Section 208 of the Voting Rights Act.) (Memorandum of Agreement <i>available at</i> http://www.justice.gov/crt/about/vot/litigation/recent_208.php)</p> <p><i>United States v. Kusper, 317 F. Supp. 761</i> (N.D. Ill. 1970): Court held that the Election board did not violate statutory duty to withhold voter assistance at polls unless the voter declares “that he cannot read the English language” by instructing election judges that voter cannot have assistance unless he states that he “cannot read or write English language sufficiently well to be able to comprehend or understand what he or she would be doing in a voting machine.”</p>
Best Practices	<p>The Illinois State Board of Elections (IL SBE) publishes and updates a "Local Election Official's Handbook," which informs election officials of the notice requirements of 10 Ill. Comp. Stat. 5/12-1 (http://www.elections.il.gov/InfoForLocalElectionOfficials.aspx).</p> <p>The IL SBE last published the "Illinois Voter Information" guide in 2011. The "Voting Rights" section of this document indicates that voters with the "inability to read or write may receive assistance from a person of the voter's choice" (<i>available at</i> http://www.elections.il.gov/VotingInformation/ElectionDayVoting.aspx).</p> <p>The IL SBE also publishes a "Voter Assistance on Election Day" pamphlet, which indicates that those voters who cannot read or write the English language may be given assistance by a person of the voter's choice with certain limitations (http://www.elections.il.gov/DocDisplay.aspx?Doc=Downloads/ElectionInformation/PDF/assisteddisabled.pdf).</p>

Indiana (IN)

Demographics

Asian American Population	126,750
Percentage of Asian American Population	1.95%
Limited English Proficiency among Asian Americans (Speaks English “less than very well”)	37.66%
Asian American Voter Registration Rate	N/A * (Non-Hispanic White: 68.9%)

Section 208 of the Voting Rights Act

Right to Assistor of Choice – State Specifics

Relevant State Statutes	<p>Ind. Code § 3-11-9-2: <i>Voters with disabilities or unable to read or write English; assistance—</i> A voter who is unable to read or write English may request assistance in voting before entering the booth and designate a person other than the voter's employer, an officer of the voter's union, or an agent of the voter's employer or union, as required by 42 U.S.C. 1973aa-6.</p> <p>Ind. Code § 3-11-9-1: <i>Application of chapter—</i> Provides that § 3-11-9-2 applies to each precinct and absentee voting.</p> <p>Ind. Code § 3-5-8: <i>Voter’s Bill of Rights—</i> This chapter requires the election division to include the voters’ right to assistance in the Voter’s Bill of Rights. This chapter also requires precinct election boards to post the Voter’s Bill of Rights in each polling place on election day as well as on the state’s website.</p> <p>Ind. Code § 3-11-8-15: <i>Persons permitted at polls during elections—</i> Provides a list of persons permitted at polls during elections, including an individual authorized to assist a voter in accordance with section 3-11-9.</p> <p>Ind. Code § 3-6-6.5-2: <i>Course requirements—</i> Provides that the "certified election work program" must include a course in "the laws governing activity permitted and prohibited in polling places.</p> <p>Ind. Code § 3-7-32-7: <i>Voters unable to write—</i> Provides that if the voter is unable to execute an original registration application in a manner authorized under section 1 of this chapter, the voter may procure another individual to assist with the execution of the application.</p>
Enforcement Actions	N/A
Best Practices	<p>The Indiana Secretary of State (IN SOS) publishes an "Indiana Voter's Bill of Rights," which informs voters that they may be assisted in the voting booth if they are unable to read or write the English language. This document is available in English and Spanish (<i>available at http://www.in.gov/sos/elections/2397.htm</i>)</p> <p>The IN SOS also publishes "Indiana Election Day Handbook" to remind election officials that a voter who is unable to read or write the English language may be assisted in the voting booth (http://www.in.gov/sos/elections/2397.htm)</p> <p>The Indiana Election Division publishes an "Election Administrator's Manual," which reminds election administrators to "provide a voter who receives an absentee ballot by mail with a copy of the Absentee Voter's Bill of Rights and to allow a "person</p>

* Base is less than 75,000 and therefore too small to provide an estimate. U.S. Census Bureau, Current Population Survey, November 2012.

assisting a voter under IC 3-11-9" into polling places
(<http://www.in.gov/sos/elections/2397.htm>)

"Online Poll Worker Training" informs poll workers that with certain limitations a voter may receive assistance if he or she is unable to read or write English and the voter requests assistance before entering the voting booth
(<http://www.in.gov/sos/elections/3961.htm>)

Iowa (IA)

Demographics

Asian American Population	64,512
Percentage of Asian American Population	2.12%
Limited English Proficiency among Asian Americans (Speaks English “less than very well”)	38.84%
Asian American Voter Registration Rate	N/A* (Non-Hispanic White: 79.9%)

Section 208 of the Voting Rights Act

Right to Assistor of Choice – State Specifics

Relevant State Statutes	<p>Iowa Code Ann. § 49.90: <i>Assisting voter</i>— Any voter who cannot read the English language, upon request, shall be assisted by the two officers from different political parties or alternatively by any other person the voter may select in casting the vote. The officers, or the person selected by the voter, shall cast the vote of the voter requiring assistance, and shall thereafter give no information regarding the vote cast.</p> <p>Iowa Code Ann. § 49.68: <i>State commissioner to furnish instructions</i>— The state commissioner of elections must prepare written instructions to the voters relative to the rights of voters, and shall furnish each commissioner with copies of the instructions, which must include general information on voting rights under applicable federal and state laws. This section also provides that the state commissioner must prepare instructions relative to voting for each voting system in use in the state and shall furnish the county commissioner with copies of the instructions, which include the method of gaining assistance in marking ballots.</p>
Enforcement Actions	N/A
Best Practices	<p>The Iowa Secretary of State (IA SOS) maintains a webpage for voters on accessibility, which indicates that voters may have someone to assist them if they need help marking their ballot (http://sos.iowa.gov/elections/voterinformation/accessibility.html)</p> <p>The IA SOS also maintains an "Election Day FAQ" webpage, which states that if a voter needs help marking his ballot due to inability to read the ballot in the English language, he may choose a person to help with [certain limitations] (http://sos.iowa.gov/elections/voterinformation/edfaq.html#7)</p> <p>The IA SOS publishes an "Iowa Precinct Election Official Guidebook," which indicates that any voter who declares upon oath that he cannot read English may request help when marking or casting a ballot. It also commands the election officials to not ask why a voter needs help and not assume anything based on a voter's race, gender, language, disability, or appearance (http://sos.iowa.gov/publications/PEO/index.html)</p> <p>The IA SOS produces a "Voting is Your Right" Poster, which informs voters that "you have the right to have help marking your ballot... if you can't read English. Anyone you choose can help you [with certain limitations]." This poster is available at the IA SOS's "Polling Place Use Only Forms" webpage (http://sos.iowa.gov/elections/auditors/forms/pollplaceuse.html)</p> <p>The IA SOS makes available on its "Polling Place Use Only Forms" webpage an "Affidavit of Voter Requesting Assistance" form, which bears the language, "I</p>

* Base is less than 75,000 and therefore too small to provide an estimate. U.S. Census Bureau, Current Population Survey, November 2012.

declare that I am unable to vote without help due to... inability of read English... I request the help of... [a] person of my choice."
(<http://sos.iowa.gov/elections/auditors/forms/pollplaceuse.html>)

The IA SOS publishes and updates an "Election Administrators Handbook," which informs election administrators that any voter who declares upon oath that he cannot read English language may request help when marking or casting a ballot. Voters may choose any person to assist them with certain limitations
(<http://sos.iowa.gov/elections/auditors/auditorguides.html>)

Kansas (KS)

Demographics

Asian American Population	83,930
Percentage of Asian American Population	2.94%
Limited English Proficiency among Asian Americans (Speaks English “less than very well”)	37.68%
Asian American Voter Registration Rate	N/A* (Non-Hispanic White: 77.8%)

Section 208 of the Voting Rights Act

Right to Assistor of Choice – State Specifics

Relevant State Statutes	Kan. Stat. Ann. § 25-2909: <i>Voting by persons requiring assistance; disability, definition of –</i> (a) Any voter unable to mark the ballot by reason of temporary illness, disability or lack of proficiency in reading the English language or any voter 65 or more years of age may request assistance in voting. (b) Upon request as provided in subsection (a), the voter shall be accompanied to the voting booth by a person chosen by the voter, or by two members of the election board of different political parties, who shall mark the ballot as such voter directs.
Enforcement Actions	N/A
Best Practices	Kansas has a guide to voting accessibility (<i>available at</i> http://www.sos.ks.gov/forms/elections/A_Guide_to_Voting_Accessibility.pdf) It also maintains a webpage that discusses voting accessibility for language minorities (http://www.voteks.org/before-you-vote/accessibility.html)

* Base is less than 75,000 and therefore too small to provide an estimate. U.S. Census Bureau, Current Population Survey, November 2012.

Kentucky (KY)

Demographics

Asian American Population	62,029
Percentage of Asian American Population	1.43%
Limited English Proficiency among Asian Americans (Speaks English “less than very well”)	34.85%
Asian American Voter Registration Rate	N/A* (Non-Hispanic White: 72.1%)

Section 208 of the Voting Rights Act

Right to Assistor of Choice – State Specifics

Relevant State Statutes	<p>Ky. Rev. Stat. Ann. § 117.255: <i>Instruction of voters; assistance and certification of voters requiring assistance—</i></p> <p>(2) Except for those voters who have been certified as requiring assistance on a permanent basis, no voter shall be permitted to receive any assistance in voting at the polls unless he makes and signs an oath that, because of blindness, other physical disability, or an inability to read English, he is unable to vote without assistance.</p> <p>(3) Upon making and filing the oath with the precinct clerk, the voter requiring assistance shall retire to the voting machine or ballot completion area with the precinct judges, and one (1) of the judges shall, in the presence of the other judge and the voter, operate the machine or complete the ballot as the voter directs. A voter requiring assistance in voting may, if he prefers, be assisted by a person of his own choice who is not an election officer, except that the voter's employer, an agent of the voter's employer, or an officer or agent of the voter's union shall not assist a voter.</p> <p>(4) The precinct election clerk shall swear a person assisting a voter in voting to operate the voting machine or complete the ballot in accordance with the directions of the voter, and the person sworn shall enter the voting booth or ballot completion area and operate the machine or complete the ballot for the voter as the voter directs.</p>
Enforcement Actions	N/A
Best Practices	N/A

* Base is less than 75,000 and therefore too small to provide an estimate. U.S. Census Bureau, Current Population Survey, November 2012.

Louisiana (LA)

Demographics

Asian American Population	84,335
Percentage of Asian American Population	1.86%
Limited English Proficiency among Asian Americans (Speaks English “less than very well”)	39.80%
Asian American Voter Registration Rate	N/A* (Non-Hispanic White: 77.3%)

Section 208 of the Voting Rights Act

Right to Assistor of Choice – State Specifics

Relevant State Statutes	<p>La. Rev. Stat. Ann. § 18:564: Assistance in voting on election day–</p> <p>A. A voter shall not receive assistance in voting unless he is unable to read, or is unable to vote without assistance because of a physical disability, including being visually impaired. If a voter who is entitled to receive assistance in voting chooses to vote using the audio ballot instead of receiving assistance, and the audio ballot equipment fails, the voter shall be entitled to assistance in voting as provided in this Section.</p> <p>B. Persons prohibited from assisting voters.</p> <p>(1) No candidate in any election shall assist any voter in casting his ballot in that election.</p> <p>(2) No commissioner-in-charge can assist a voter.</p> <p>(3) No employer or employer’s agent can assist an employee in voting.</p> <p>(4) No union agent can assist a union member in voting.</p> <p>(5)(a) Except as provided in Paragraphs (1) through (4) of this Subsection, a voter entitled to assistance in voting may receive the assistance of any person of his choice, including a commissioner.</p> <p>The statute then provides many procedures for doing all of this.</p>
Enforcement Actions	N/A
Best Practices	N/A

* Base is less than 75,000 and therefore too small to provide an estimate. U.S. Census Bureau, Current Population Survey, November 2012.

Maine (ME)

Demographics

Asian American Population	18,333
Percentage of Asian American Population	1.38%
Limited English Proficiency among Asian Americans (Speaks English “less than very well”)	35.95%
Asian American Voter Registration Rate	N/A* (Non-Hispanic White: 77.7%)

Section 208 of the Voting Rights Act

Right to Assistor of Choice – State Specifics

Relevant State Statutes	Me. Rev. Stat. Ann. tit. 21-A § 672: Assistance— A voter who is unable to read or mark the ballot because of physical disability, illiteracy or religious faith may request another person, other than the voter's employer or agent of that employer or officer or agent of the voter's union, to assist the voter in reading the ballot or marking the ballot according to the voter's wishes. <ol style="list-style-type: none">1. Assistance by election officials: The voter may request one or more election officials to assist.2. Assistance by persons not voters: The assistant need not be a voter or of voting age.
Enforcement Actions	N/A
Best Practices	N/A

* Base is less than 75,000 and therefore too small to provide an estimate. U.S. Census Bureau, Current Population Survey, November 2012.

Maryland (MD)

Demographics

Asian American Population	370,044
Percentage of Asian American Population	6.41%
Limited English Proficiency among Asian Americans (Speaks English “less than very well”)	32.00%
Asian American Voter Registration Rate	59.4% (Non-Hispanic White: 73.3%)

Section 208 of the Voting Rights Act

Right to Assistor of Choice – State Specifics

Relevant State Statutes	<p>Md. Elec. Law § 10-310: Duties of election judges on election day; during voting hours– “Instructions and assistance to voters”</p> <p>(c)(2)(i) After a voter enters the voting booth, at the request of the voter, two election judges representing different political parties shall instruct the voter on the operation of the voting device. After instructing the voter, the election judges shall exit the voting booth and allow the voter to vote privately.</p> <p>(ii) A voter may take into the polling place any written or printed material to assist the voter in marking or preparing the ballot.</p> <p>(3)(i) Except as provided in subparagraph (ii) of this paragraph, a voter who requires assistance in marking or preparing the ballot because of a physical disability or an inability to read the English language may choose any individual to assist the voter.</p> <p>(ii) A voter may not choose the voter's employer or agent of that employer or an officer or agent of the voter's union to assist the voter in marking the ballot.</p> <p>(4) If the voter requires the assistance of another in voting but declines to select an individual to assist, an election judge, in the presence of another election judge that represents another political party, shall assist the voter in the manner prescribed by the voter.</p> <p>(5) An individual assisting a voter may not suggest in any way how the voter should vote for a particular ticket, candidate, or position on a question.</p> <p>(6) If a voter requires assistance under paragraph (4) or (5) of this subsection, the election judge shall record, on a form prescribed by the State Board, the name of the voter who required assistance and the name of the individual providing assistance to the voter.</p>
Best Practices	<p>Maryland State Board of Election's website on provisional voting includes information on voter assistance (http://www.elections.state.md.us/voting/provisional_voting.html)</p>

Massachusetts (MA)

Demographics

Asian American Population	394,211
Percentage of Asian American Population	6.02%
Limited English Proficiency among Asian Americans (Speaks English “less than very well”)	37.78%
Asian American Voter Registration Rate	54.3% (Non-Hispanic White: 81.5%)

Section 208 of the Voting Rights Act

Right to Assistor of Choice – State Specifics

Relevant State Statutes	<p>Mass. Gen. Laws ch. 54 § 79: Assistance in marking ballots – A voter who states to the presiding officer that he needs assistance in voting from blindness, other physical disability, or inability to read or to read in the English language will be assisted by any person whom he may designate.</p> <p>Mass. Gen. Law ch. 54 § 98: Absent voter unable to mark ballot – An absent voter who needs assistance in voting because of blindness or other physical disability or inability to read or read in the English language may be assisted in marking it by any person whom he may designate. Such designated person should add a writing a statement that the voter is unable to write, the reason therefor, and shall sign the voter's name on the inner envelope.</p>
Enforcement Actions	<p><i>United States v. City of Springfield, No. 06-301-23-MAP (D. Mass. 2006):</i> The DOJ filed a complaint against the City for allegedly violating Section 208. The parties agreed to allow the DOJ to monitor future elections in the City and require the City to increase the number of bilingual poll workers, employ a bilingual coordinator, and establish a bilingual advisory group.</p> <p><i>United States v. City of Boston, No. 05-11598 WGY (D. Mass. 2005):</i> The DOJ filed suit against the City of Boston for alleged violation of Section 208. In reaching settlement, the court ordered the City to train and require its election officers to allow voters their assistor of choice consistent with Section 208.</p>
Best Practices	Massachusetts has an online booklet discussing the voting process, including that voters have a right to assistance (www.sec.state.ma.us/ele/elepdf/eledaylglsum.doc)

Michigan (MI)

Demographics

Asian American Population	289,607
Percentage of Asian American Population	2.93%
Limited English Proficiency among Asian Americans (Speaks English "less than very well")	32.61%
Asian American Voter Registration Rate	59.3% (Non-Hispanic White: 79.6%)

Section 208 of the Voting Rights Act

Right to Assistor of Choice – State Specifics

Relevant State Statutes	<p>Mich. Comp. Laws § 168.751: <i>Assistance of elector; authority—</i> When at an election an elector shall state that the elector cannot mark his or her ballot, the elector shall be assisted in the marking of his or her ballot by 2 inspectors of election.</p> <p>Mich. Comp. Laws § 168.736: <i>Voting; right of elector to vote; delivery of ballot to elector; explanation to voter; interpreter—</i> On request of the elector, an inspector may give explanation of the manner of voting, and if by the board deemed necessary, an interpreter may be called, but the elector shall not be otherwise assisted in the marking of his ballot, except as provided in this act for assisted electors.</p> <p>Mich. Comp. Laws § 168.668a: <i>Voter information displays; furnishing to county clerk by secretary of state; contents—</i> Requires the Michigan secretary of state to furnish "voter information displays" to each precinct, which the board of election inspectors in each precinct must post in conspicuous locations in the polling place. The statute does not require, but it does allow the secretary of state to include the voter's right to assistance on this display.</p>
Enforcement Actions	<p><i>Nelson v. Miller</i>, 170 F.3d 641, 653 (6th Cir. 1999): (held that failure to provide voting assistance to certain voters beyond that provided by Mich. Comp. Laws § 168.751 does not violate their MI state constitutional right to "secrecy of the ballot" nor does it discriminate against them in violation of the Americans with Disabilities Act of 1990 or the Rehabilitation Act of 1973.)</p>
Best Practices	<p>The MI SOS publishes a "Registering and Voting in Michigan" brochure, which notes that an elector who is unable to read or write may be assisted with his or her ballot (http://www.michigan.gov/sos/0,4670,7-127-1633_8716---,00.html)</p> <p>The MI SOS maintains a "Voter Information Center, Frequently Asked Questions" webpage, which states "an elector who is... unable to read or write may be assisted with his or her ballot..." (http://www.michigan.gov/sos/0,1607,7-127-1633_11619_38093-123989--,00.html)</p> <p>The current "voter information displays" published by the MI SOS (as required by Mich. Comp. Laws § 168.668a) indicate that "an elector who is... unable to read or write may be assisted with his or her ballot." The MI SOS publishes these displays in both English and Spanish (http://www.michigan.gov/sos/0,4670,7-127-1633_11976---,00.html)</p> <p>The MI SOS publishes an "Election Officials' Accreditation Study Guide: An Accreditation Program for County, City, and Township Election Officials," which informs election officials that "under federal law, an elector who is... unable to read or write may be assisted with his or her ballot by any person of the voter's choice..." (http://www.michigan.gov/sos/0,4670,7-127-1633_11976---,00.html).</p>

The MN SOS publishes a guide titled "Managing Your Precinct on Election Day: Election Inspectors' Procedure Manual: A Quick Reference Guide to the State and Federal Laws which Govern the Operation of Polling Places," which indicates that "under federal law, an elector who is... unable to read or write may be assisted with his or her ballot..." (http://www.michigan.gov/sos/0,4670,7-127-1633_11976---.00.html).

Minnesota (MN)

Demographics

Asian American Population	247,132
Percentage of Asian American Population	4.66%
Limited English Proficiency among Asian Americans (Speaks English "less than very well")	35.49%
Asian American Voter Registration Rate	87.6% (Non-Hispanic White: 80.1%)

Section 208 of the Voting Rights Act

Right to Assistor of Choice – State Specifics

Relevant State Statutes	<p>Minn. Stat. Ann. § 204C.15: Assistance to voters— A voter who claims a need for assistance because of inability read English may get help from two election judges or the person of their choice except the voter's employer, employer's agent, an agent of the voter's union, or a candidate for election. The person who assists the voter shall, unaccompanied by an election judge, retire with that voter to a booth and mark the ballot as directed by the voter. No person who assists another voter as provided in the preceding sentence shall mark the ballots of more than three voters at one election.</p> <p>Minn. Stat. § 204C.08: Opening of polling places— Requires election judges to post in conspicuous locations in polling places the "Voter's Bill of Rights," which provides that "[i]f you need assistance, you may be accompanied into the voting booth by a person of your choice except by except by an agent of your employer or union or a candidate."</p> <p>Minn. Stat. § 204C.06: Conduct in and near polling places— Persons assisting a voter who is unable to read English constitute as individuals allowed in a polling place.</p>
Best Practices	<p>The Office of the Minnesota Secretary of State (MN SOS) maintains a webpage devoted to the Minnesota Voter's Bill of Rights (Minn. Stat. 204C.08), which declares the voter's right to assistance (http://www.sos.state.mn.us/index.aspx?page=1603)</p> <p>The MN SOS publishes "Election Judge Guide" for election judges to reference on Election Day, which highlights Minn. Stat. § 204C.15 and Minn. Stat. § 204C.06 (http://www.sos.state.mn.us/index.aspx?page=230)</p> <p>The MN SOS publishes "County Auditor Election Guide," which lists "persons helping a voter who is... unable to read English" as persons authorized to be present in a polling place under Minn. Stat. § 204C.06. The "Polling Place Accessibility" section of the guide also highlights voters' right to assistance under Minn. Stat. § 204C.15 and indicates that minimum polling place requirements include "signs outlining the assistance available to voters." (http://www.sos.state.mn.us/index.aspx?page=230)</p> <p>The MN SOS publishes "City Clerk Election Guide," "Township Clerk Election Guide," and "School District Election Guide" which all list persons helping a voter who is unable to read English as persons authorized to be present in a polling place. The "Polling Place Accessibility" section of these guides also highlight voters' right to assistance and indicate that minimum polling place requirements include "signs outlining the assistance available to voters." (http://www.sos.state.mn.us/index.aspx?page=230)</p>

The MN SOS publishes a simple 2 page "Guide to Voting" which highlights a voter's right to assistance. (<http://www.sos.state.mn.us/index.aspx?page=138#Brochures>)

The MN SOS maintains a "Polling Place & Ballot Accessibility" webpage, which informs voters, "if you need assistance due to the inability to read English... you may obtain the assistance of any individual you choose [with limited exceptions] or two election judges who are members of different political parties" under Minn. Stat. § 204C.15 (<http://www.sos.state.mn.us/index.aspx?page=240>)

The MN SOS maintains an "Assistance with Voting" webpage, which thoroughly and succinctly explains a voter's right to personal assistance if he has "difficulty with English." This webpage specifically highlights Minnesota's "limits on assistance" by informing voters that although an individual (other than an Election Judge) may not assist more than 3 voters in marking their ballots, there is no limit on the number of voters that an individual may help (including translation, disability or literacy issues) as long as they do not accompany the voter into the voting booth (<http://www.sos.state.mn.us/index.aspx?page=1617>)

The MN SOS webpage on "Marking and Casting Your Ballot" highlights the voter's right to assistance (<http://www.sos.state.mn.us/index.aspx?page=537>)

Mississippi (MS)

Demographics

Asian American Population	32,560
Percentage of Asian American Population	1.10%
Limited English Proficiency among Asian Americans (Speaks English “less than very well”)	34.63%
Asian American Voter Registration Rate	N/A* (Non-Hispanic White: 82.4%)

Section 208 of the Voting Rights Act

Right to Assistor of Choice – State Specifics

Relevant State Statutes	Miss. Code Ann. § 23-15-549: <i>Assisting voters—</i> Any voter who declares to the managers of the election that he requires assistance to vote by reason of blindness, disability or inability to read or write may be given assistance by a person of the voter's choice other than the voter's employer, or agent of that employer, or officer or agent of the voter's union.
Enforcement Actions	N/A
Best Practices	N/A

* Base is less than 75,000 and therefore too small to provide an estimate. U.S. Census Bureau, Current Population Survey, November 2012.

Missouri (MO)

Demographics

Asian American Population	123,571
Percentage of Asian American Population	2.06%
Limited English Proficiency among Asian Americans (Speaks English “less than very well”)	34.77%
Asian American Voter Registration Rate	N/A* (Non-Hispanic White: 76.6%)

Section 208 of the Voting Rights Act

Right to Assistor of Choice – State Specifics

Relevant State Statutes	<p>Mo. Const. art. I, § 34: “. . . English shall be the language of all official proceedings in this state. Official proceedings shall be limited to any meeting of a public governmental body at which any public business is discussed, decided, or public policy formulated.”</p> <p>Mo. Stat. § 115.291: Procedure for absentee ballots — "Upon receiving an absentee ballot in person or by mail, the voter shall mark the ballot in secret... If the voter is blind, unable to read or write the English language, or physically incapable of voting the ballot, the voter may be assisted by a person of the voter's own choosing."</p> <p>Mo. Stat. § 115.445: No one but voter in booth; exception — (3) If any voter declares under oath that he cannot read or write, is blind or has any other physical disability, he may be assisted by election judges or any person of his own choice. If the voter asks for the assistance of someone other than election judges, the assistant shall go to the voting booth with the voter and cast his vote as he directs. No person, other than election judges and members of such voters' immediate families, shall assist more than one voter at one election.</p>
Enforcement Actions	<p>State v. King, 747 S.W.2d 264 (Mo. Ct. App. 1988): Court held that "Missouri statute Section 115.291(1) can be violated in three ways: (1) when the defendant assists a voter who is not entitled to receive assistance (i.e. voter, to receive assistance, must be “blind, unable to read or write the English language, or physically incapable of voting his ballot”); (2) when the defendant assists a voter (who is entitled to assistance) and in any manner coerces a voter to vote for or against or refrain from voting on any question, ticket, or candidate; and (3) when the defendant assists a voter (who is entitled to assistance) and in any manner initiates a request or a suggestion that the voter vote for or against or refrain from voting on any question, ticket, or candidate."</p>
Best Practices	<p>The Missouri Secretary of State maintains a “Frequently Asked Questions” page on its Elections website (http://www.sos.mo.gov/elections/faqs.asp#a2_6)</p>

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Montana (MT)

Demographics

Asian American Population	10,482
Percentage of Asian American Population	1.06%
Limited English Proficiency among Asian Americans (Speaks English "less than very well")	33.80%
Asian American Voter Registration Rate	N/A* (Non-Hispanic White: 73.6%)

Section 208 of the Voting Rights Act

Right to Assistor of Choice – State Specifics

Relevant State Statutes	<p>Mont. Code § 13-13-119: Aid to Disabled Elector – Provides that "an election judge or an individual chosen by the disabled elector as specified in subsection (5) may aid an elector who, because of physical disability or inability to read or write, needs assistance in marking the elector's ballot...the elector may request the assistance of any individual the elector designates to the judges to aid the elector in the marking of the elector's ballot [with certain limitations from VRA § 208]"</p> <p>Mont. Code § 13-13-111: Provision and Use of Voting Stations – Provides that "no more than one individual may occupy a voting station at one time, except when assistance is furnished to an elector as provided by law.</p>
Enforcement Actions	N/A
Best Practices	The MT SOS publishes an "Election Administrator Handbook: A Guide to Administering Montana Elections," which contains the "Polling Place Conduct Guidelines for Election Judges," which county election administrators must furnish to election judges. The Guidelines remind election judges that if an "elector requires assistance to vote... any person of their choice may aid them [except for certain limitations from VRA § 208]" (http://sos.mt.gov/Elections/Officials/index.asp).

* Base is less than 75,000 and therefore too small to provide an estimate. U.S. Census Bureau, Current Population Survey, November 2012.

Nebraska (NE)

Demographics

Asian American Population	40,561
Percentage of Asian American Population	2.22%
Limited English Proficiency among Asian Americans (Speaks English “less than very well”)	42.42%
Asian American Voter Registration Rate	N/A* (Non-Hispanic White: 71.6%)

Section 208 of the Voting Rights Act

Right to Assistor of Choice – State Specifics

Relevant State Statutes	Neb. Rev. Stat. § 32-918(1): <i>Assistance to registered voters; when; procedure</i> "If a registered voter declares to the judge of election that he or she cannot read or that he or she suffers blindness or other physical disability or handicap such that the registered voter requires assistance in the marking of his or her ballot, (a) the registered voter may be assisted in marking his or her ballot by a relative or friend of his or her selection"
Enforcement Actions	N/A
Best Practices	N/A

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Nevada (NV)

Demographics

Asian American Population	242,916
Percentage of Asian American Population	9.00%
Limited English Proficiency among Asian Americans (Speaks English “less than very well”)	30.70%
Asian American Voter Registration Rate	71.9% (Non-Hispanic White: 67.2%)

Section 208 of the Voting Rights Act

Right to Assistor of Choice – State Specifics

Relevant State Statutes	Nev. Rev. Stat. § 293.296: <i>Assistance to voter who is physically disabled or unable to read or write English –</i> "Any registered voter who by reason of a physical disability or an inability to read or write English is unable to mark a ballot or use any voting device without assistance is entitled to assistance from a consenting person."
Enforcement Actions	N/A
Best Practices	N/A

New Hampshire (NH)

Demographics

Asian American Population	34,522
Percentage of Asian American Population	2.62%
Limited English Proficiency among Asian Americans (Speaks English “less than very well”)	32.95%
Asian American Voter Registration Rate	N/A* (Non-Hispanic White: 76.4%)

Section 208 of the Voting Rights Act

Right to Assistor of Choice – State Specifics

Relevant State Statutes	<p>N.H. Rev. Stat. § 658:28: <i>Voter Instruction Cards to be Posted</i> – Requires the SOS to prepare "voter instruction cards," which guide voters in "the method of gaining assistance. Each town and ward clerk shall cause on voter instruction card to be posted in each voting booth and not less than 3 such cards to be posted immediately outside the guardrail in the polling place."</p> <p>N.H. Rev. Stat. § 659:20: <i>Assistance in Voting</i> – Provides that "any voter who declares to the moderator under oath that said voter needs assistance marking his or her ballot shall... receive the assistance... of a person of the voter's choice [with certain limitations]"</p> <p>N.H. Rev. Stat. § 659:21: <i>Admittance Within Guardrail</i> – Provides that "those admitted to aid a voter pursuant to RSA 659:20 shall be permitted within the guardrail"</p> <p>N.H. Rev. Stat. § 659:35: <i>Showing or Specially Marking Ballot</i> – Provides that "no voter shall allow his ballot to be seen by any person with the intention of letting it be known how he is about to vote except as provided in RSA 659:20."</p>
Enforcement Actions	N/A
Best Practices	<p>The New Hampshire Department of State (NH SOS) publishes and updates a "New Hampshire Election Procedure Manual" for election officials, which reminds elections officials of voters' rights under N.H. Rev. Stat. § 659.20 and 42 U.S.C. 1972aa-6. This manual also provides examples of oaths that the voter and his/her assistant must swear before assistance is rendered. (http://sos.nh.gov/Elections.aspx).</p> <p>The NH SOS provides a "Voting Assistance Poster" for posting at polling places which informs voters of their right to assistance under N.H. Rev. Stat. § 659.20 and 42 U.S.C. 1972aa-6. (http://sos.nh.gov/Miscellaneous.aspx).</p>

* Base is less than 75,000 and therefore too small to provide an estimate. U.S. Census Bureau, Current Population Survey, November 2012.

New Jersey (NJ)

Demographics

Asian American Population	795,163
Percentage of Asian American Population	9.04%
Limited English Proficiency among Asian Americans (Speaks English “less than very well”)	31.62%
Asian American Voter Registration Rate	65.2% (Non-Hispanic White: 75.3%)

Section 208 of the Voting Rights Act

Right to Assistor of Choice – State Specifics

Relevant State Statutes	<p>N.J. Stat. Ann. § 19:63-16: <i>Marking Voter’s Choice on Ballot; Sealing and Return of Ballot by Voter; Assistance with Voting Process</i> – Mail-in voters are entitled to assistance from family members, and assistors have to certify that they have assisted the voter and will maintain secrecy; assistor cannot be involved in campaign for any relevant political candidates.</p>
Enforcement Actions	<p><i>United States v. Salem County and the Borough of Penns Grove, NJ, et al (D.N.J. 2008)</i> Salem County and the Borough of Penns Grove had Hispanic communities (mainly Puerto Rican) whose limited Limited English Proficiency levels higher than the national average. Many of them had been educated in American-flag schools that had Spanish as the predominant classroom language). Plaintiffs alleged that the defendants were prohibiting Hispanic voters from using their assistors of choice. Moreover, the defendants were also inadequately training poll workers on how to deal with assistors, as well as preventing assistors from translating ballots for voters. In the settlement, the local governments were enjoined from interfering with or otherwise not permitting any voter who requires assistance to vote by reason of blindness, disability, or inability to read or write to be given assistance by a person of the voter's choice, other than the voter's employer or agent of that employer or officer or agent of the voter's union.</p> <p><i>United States v. Passaic County, (D.N.J. 1999)</i> Plaintiffs alleged that Passaic County violated Section 208 because Spanish-speaking voters were sometimes not allowed to use the assistor of their choice. Furthermore, the poll workers who were assigned to help them were not proficient enough in Spanish to help them. In the Consent Decree, the defendants were ordered to allow Spanish language minority voters to have assistance in the voting booth. N.J.S.A. 19:52-3 shall not be construed to limit the time in which a voter who requires assistance may reasonably remain with his assistor in the voting machine booth. Additionally, neither N.J.S.A. 19:15-8 nor N.J.S.A. 19:52-3 shall be construed to limit a voter in the choice of his assistor or to prevent an assistor from assisting more than one voter. Voting machines and telephone lines will be set up for the benefit of Spanish-speaking voters as well.</p>
Best Practices	<p>New Jersey has a Voters’ Bill of Rights: http://www.state.nj.us/counties/mercerc/commissions/pdfs/boe_billofrights.pdf</p>

New Mexico (NM)

Demographics

Asian American Population	40,456
Percentage of Asian American Population	1.96%
Limited English Proficiency among Asian Americans (Speaks English “less than very well”)	32.23%
Asian American Voter Registration Rate	N/A* (Non-Hispanic White: 76.4%)

Section 208 of the Voting Rights Act

Right to Assistor of Choice – State Specifics

Relevant State Statutes	<p>N.M. Stat. Ann. § 1-12-12: <i>Conduct of Election; Eligibility for Assistance</i> – States that voters may request assistance in voting if the voter "is a member of a language minority who has an inability to read well enough to exercise the elective franchise"</p> <p>N.M. Stat. Ann. § 1-12-15: <i>Conduct of Election; Persons Who May Assist Voter</i> – States that members of a language minority who have requested assistance pursuant to 1-12-12 "may be accompanied into the voting machine only by a person of the voter's own choice other than the voter's employer or an agent of that employer, an officer or agent of the voter's union or a candidate whose name appears on the ballot in this election"</p> <p>N.M. Stat. Ann. § 3-8-22: <i>Conduct of Election; Eligibility for Assistance; Oral Assistance for Language Minority Voters; Aid or Assistance to Voter Marking Ballot; Who May Assist Voter; Type of Assistance</i> – “A. A voter may request assistance in voting only if the voter is: (1) visually impaired; (2) a person with a physical disability; (3) unable to read or write; (4) a member of a language minority who is unable to read well enough to exercise the elective franchise; or (5) not able to operate a voting machine or mark a ballot without assistance.”</p>
Enforcement Actions	N/A
Best Practices	<p>New Mexico's voting website states: "You may request assistance in voting at the polls if you are blind, physically disabled, unable to read or write or a member of a language minority" and that "[a]ny person of your choice may assist you, except your employer, an agent of the employer, an officer or agent of your union, or a candidate whose name is on the ballot."</p> <p>(http://www.sos.state.nm.us/Voter_Information/Voter_Bill_of_Rights.aspx)</p>

* Base is less than 75,000 and therefore too small to provide an estimate. U.S. Census Bureau, Current Population Survey, November 2012.

New York (NY)

Demographics

Asian American Population	1,579,494
Percentage of Asian American Population	8.15%
Limited English Proficiency among Asian Americans (Speaks English “less than very well”)	43.54%
Asian American Voter Registration Rate	45.3% (Non-Hispanic White: 70.1%)

Section 208 of the Voting Rights Act

Right to Assistor of Choice – State Specifics

Relevant State Statutes	<p>N.Y. Law § 8-306: Voters; Assistance to –</p> <p>"1. A voter who states under oath to the board of inspectors that he requires assistance may be assisted in the manner and subject to the conditions and requirements provided for in this section.</p> <p>2. A board of inspectors of election shall assist any voter: (a) who informs such board, under oath, that he cannot read and therefore requires assistance, or (b) who cannot even with the aid of glasses see the names printed on the official ballot, or (c) who is so physically handicapped that he cannot do what is needed at that election to turn down the levers or use a write-in slot on a voting machine, or mark a paper ballot, or (d) who, unless aided by another person, cannot enter a voting booth.</p> <p>3. Any voter who requires assistance to vote by reason of blindness, disability or inability to read or write may be given assistance by 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. A voter entitled to assistance in voting who does not select a particular person may be assisted by two election inspectors not of the same political faith. The inspectors or person assisting a voter shall enter the voting machine or booth with him, help him in the preparation of his ballot and, if necessary, in the return of the voted ballot to the inspectors for deposit in the ballot box. The inspectors shall enter in the remarks space on the registration poll card of an assisted voter, or next to the name of such voter on the computer generated registration list, the name of each officer or person rendering such assistance. . . ."</p>
Enforcement Actions	N/A
Best Practices	The New York State Voters' Bill of Rights mentions voters' right to assistance (http://www.tiogacountyny.com/images/stories/PDFs/departments/boe/billofrights.pdf)

North Carolina (NC)

Demographics

Asian American Population	252,585
Percentage of Asian American Population	2.65%
Limited English Proficiency among Asian Americans (Speaks English “less than very well”)	32.65%
Asian American Voter Registration Rate	N/A* (Non-Hispanic White: 77.9%)

Section 208 of the Voting Rights Act

Right to Assistor of Choice – State Specifics

Relevant State Statutes	N.C. Gen. Stat. Ann. 163-166.8: <i>Assistance to Voters</i> – Permits any registered voter to be assisted by any person of the voter's choice, excluding a candidate for office in that election, on account of that voter's inability to read.
Enforcement Actions	N/A
Best Practices	N/A

* Base is less than 75,000 and therefore too small to provide an estimate. U.S. Census Bureau, Current Population Survey, November 2012.

North Dakota (ND)

Demographics

Asian American Population	9,193
Percentage of Asian American Population	1.37%
Limited English Proficiency among Asian Americans (Speaks English “less than very well”)	37.03%
Asian American Voter Registration Rate	N/A* (Non-Hispanic White: 76.4%)

Section 208 of the Voting Rights Act

Right to Assistor of Choice – State Specifics

Relevant State Statutes	<p>N.D. Cent. Code § 16.1-13-27: Assistance to Elector—Polling Place Accessibility – "Any elector may receive the assistance of any person of the elector's choice, other than the elector's employer, officer or agent of the elector's union, a candidate running in that election, or a relative of a candidate as provided in subsection 2 of section 16.1-05-02, in marking the elector's ballot. If the elector requests the assistance of a member of the election board, however, the elector shall receive the assistance of both election judges in the marking of the elector's ballot. No one assisting any elector in marking a ballot under this chapter may give information regarding the ballot. No elector, other than one who requests assistance, may divulge to anyone within the polling place the name of any candidate for whom the elector intends to vote, nor ask, nor receive the assistance of any person within the polling place to mark the elector's ballot. Parking facilities at polling places must be accessible to the elderly and the physically disabled and must be clearly marked."</p> <p>N.D. Cent. Code § 16.1-07-08: Delivering Ballots—Envelopes Accompanying—Affidavit on Envelope—Challenging Electors Voting by Absentee Ballot—Inability of Elector to Sign Name – States that "[e]ach individual requesting an absent voter's ballot under this chapter who cannot read the English language or who because of blindness or other disability is unable to mark the voter's ballot, upon request, may receive the assistance of any individual of the voter's choice, other than the voter's employer, an officer or agent of the voter's union, a candidate running in that election, or a relative of a candidate as described in subsection 2 of section 16.1-05-02, in marking the voter's ballot"</p>
Enforcement Actions	N/A
Best Practices	N/A

* Base is less than 75,000 and therefore too small to provide an estimate. U.S. Census Bureau, Current Population Survey, November 2012.

Ohio (OH)

Demographics

Asian American Population	238,292
Percentage of Asian American Population	2.07%
Limited English Proficiency among Asian Americans (Speaks English “less than very well”)	30.68%
Asian American Voter Registration Rate	N/A* (Non-Hispanic White: 70.5%)

Section 208 of the Voting Rights Act

Right to Assistor of Choice – State Specifics

Relevant State Statutes	Ohio Rev. Code § 3505.24: <i>Assisting Voter in Marking Ballot Because of Blindness, Disability, or Illiteracy</i> – "Notwithstanding any provision of the Revised Code to the contrary, any elector who declares to the presiding judge of elections that the elector is unable to mark the elector's ballot by reason of blindness, disability, or illiteracy may be accompanied in the voting booth and aided by any person of the elector's choice, other than the elector's employer, an agent of the elector's employer, or an officer or agent of the elector's union, if any. The elector also may request and receive assistance in the marking of the elector's ballot from two election officials of different political parties. Any person providing assistance in the marking of an elector's ballot under this section shall thereafter provide no information in regard to the marking of that ballot. Any judge may require a declaration of inability to be made by the elector under oath before the judge. Assistance shall not be rendered for causes other than those specified in this section, and no candidate whose name appears on the ballot shall assist any person in marking that person's ballot."
Enforcement Actions	N/A
Best Practices	N/A

* Base is less than 75,000 and therefore too small to provide an estimate. U.S. Census Bureau, Current Population Survey, November 2012.

Oklahoma (OK)

Demographics

Asian American Population	84,170
Percentage of Asian American Population	2.24%
Limited English Proficiency among Asian Americans (Speaks English “less than very well”)	38.02%
Asian American Voter Registration Rate	N/A* (Non-Hispanic White: 69.2%)

Section 208 of the Voting Rights Act

Right to Assistor of Choice – State Specifics

Relevant State Statutes	Okla. Stat. Ann. tit. 26, § 7-123.3: <i>Blind, Disabled, or Voter Unable to Read—Oath—Assistance –</i> "Any voter who requires assistance to vote by reason of blindness, disability, or inability to read or write may be given assistance by a person of the voter's choice, other than the voter's employer or agent of that employer or officer or agent of the voter's union."
Enforcement Actions	N/A
Best Practices	N/A

* Base is less than 75,000 and therefore too small to provide an estimate. U.S. Census Bureau, Current Population Survey, November 2012.

Oregon (OR)

Demographics

Asian American Population	186,281
Percentage of Asian American Population	4.86%
Limited English Proficiency among Asian Americans (Speaks English “less than very well”)	34.71%
Asian American Voter Registration Rate	N/A* (Non-Hispanic White: 76.9%)

Section 208 of the Voting Rights Act

Right to Assistor of Choice – State Specifics

Relevant State Statutes	Or. Rev. Stat. § 254.445: Assistance in Marking Ballot – Uses Section 208 language to identify and allow certain voters to seek assistance in voting.
Enforcement Actions	N/A
Best Practices	N/A

* Base is less than 75,000 and therefore too small to provide an estimate. U.S. Census Bureau, Current Population Survey, November 2012.

Pennsylvania (PA)

Demographics

Asian American Population	402,587
Percentage of Asian American Population	3.17%
Limited English Proficiency among Asian Americans (Speaks English “less than very well”)	37.37%
Asian American Voter Registration Rate	61.7% (Non-Hispanic White:)

Section 208 of the Voting Rights Act

Right to Assistor of Choice – State Specifics

Relevant State Statutes	<p>25 Pa. Stat. Ann. § 3058: Assistance in Voting – "No voter shall be permitted to receive any assistance in voting at any primary or election, unless there is recorded upon his registration card his declaration that, by... inability to read or write, he is unable to read the names on the ballot or on the voting machine labels... Any elector who is entitled to receive assistance in voting under the provisions of this section shall be permitted by the judge of election to select a person of the elector's choice to... assist him in voting... [with certain limitations from VRA § 208]"</p> <p>25 Pa. Stat. Ann. § 3060: Regulations in Force at Polling Places – Provides that "no elector shall be allowed to occupy a voting compartment or voting machine booth already occupied by another, except when giving assistance as permitted by this act."</p> <p>25 Pa. Stat. Ann. § 3530: Unlawful Assistance in Voting – Provides criminal penalties for the unlawful rendering or receiving of assistance in voting in violation of the terms of 25 Pa. Stat. § 3058.</p> <p>25 Pa. Stat. Ann. § 3531: Election Officers Permitting Unlawful Assistance – Provides criminal penalties for election officers who permit unlawful assistance in voting in violation of 25 Pa. Stat. § 3058.</p>
Enforcement Actions	<p>United States v. City of Philadelphia, PA (E.D. Pa. 2006) Philadelphia had a significant and growing Hispanic population, most of which comprised of Puerto Ricans LEP Hispanic voters who had limited English Proficiency alleged that city violated Section 208 by prohibiting common assistors of choice (e.g. friends, family) and by inadequately training poll workers who could not even speak Spanish. In the settlement, the city agreed to instruct poll workers to allow all voters who qualified under Section 208 to use the assistor of their choice. Or if they selected a poll worker as their assistor, that worker had to be fluent in Spanish.</p> <p>United States v. Berks County (E.D. Pa. 2003) Berks County had a large and growing Hispanic population, mainly of Puerto Rican origin. Plaintiffs alleged that defendants violated Section 208 by not allowing voters with limited English Proficiency to use the assistors of their choice and by imposing extraneous requirements on those seeking assistors (such as requiring the assistor to be from the same district, or only permitting voters with special registration to use assistors). In its injunction, the Court ordered the defendants to permit voters to have assistance in voting, including assistance in the voting booth, by a person of their as long as the assistor is not the voter's employer or union officer or agent of the voter's employer or union.</p>
Best Practices	<p>The Pennsylvania Department of State (PA SOS) maintains a "Know Your Rights" page on its "VotesPA" website, which informs voters that "under federal and Pennsylvania law, if you cannot enter the voting booth or use the voting system due to a disability, you can select a person to enter the voting booth with you to provide</p>

assistance. You can choose anyone to assist, except for your employer, an agent of your employer, an officer or agent of your union or the Judge of Elections. The first time you use assistance, you will have to complete and sign a form provided by the Election Officials at the polling place. After the first time, your registration record will include notation of your request for assistance"

<http://www.votespa.com/portal/server.pt?open=514&objID=1173916&parentname=ObjMgr&parentid=6&mode=2>).

Rhode Island (RI)

Demographics

Asian American Population	36,763
Percentage of Asian American Population	3.49%
Limited English Proficiency among Asian Americans (Speaks English “less than very well”)	39.47%
Asian American Voter Registration Rate	N/A* (Non-Hispanic White: 74.7%)

Section 208 of the Voting Rights Act

Right to Assistor of Choice – State Specifics

Relevant State Statutes	R.I. Gen. Laws § 17-19-26.1: <i>Voting Assistance</i> – Uses Section 208 language to identify and allow certain voters to use assistors; requires these voters to sign and submit affidavits.
Enforcement Actions	N/A
Best Practices	Rhode Island's Poll Worker Manual includes information on getting assistance from a person from your choice (http://www.elections.ri.gov/publications/Election_Publications/Pollworker_Training/Pollworker%20Manual%202012%20PPP.pdf). Rhode Island's voting website includes information on voter assistance (http://sos.ri.gov/elections/voters/disabled/).

* Base is less than 75,000 and therefore too small to provide an estimate. U.S. Census Bureau, Current Population Survey, November 2012.

South Carolina (SC)

Demographics

Asian American Population	75,674
Percentage of Asian American Population	1.64%
Limited English Proficiency among Asian Americans (Speaks English “less than very well”)	33.75%
Asian American Voter Registration Rate	N/A* (Non-Hispanic White: 73.0%)

Section 208 of the Voting Rights Act

Right to Assistor of Choice – State Specifics

Relevant State Statutes	<p>S.C. Code Ann. § 7-13-770: <i>Unauthorized Persons Within Guard Rails; Voters Requiring Assistance; Minor Children of Qualified Elector Accompanying Parents into Booth</i> – A voter who requires assistance in voting due to conditions laid out in Section 208 will receive help from one of the managers and a person of the voter's choice, other than the voter's employer or agent of that employer or officer or agent of the voter's union to assist the voter in preparing his ballot; assistor cannot be in the booth with the voter.</p> <p>S.C. Code Ann. § 7-13-780: <i>Designation of Voters Who May Receive Assistance</i> – Provides that "Only those persons who are unable to read or write or who are physically unable or incapacitated from preparing a ballot or voting shall be entitled to receive assistance of any kind in voting."</p> <p>S.C. Code Ann. § 7-13-1840: <i>Assistance May be Given to Voters</i> – Provides that "The provisions of this Title relating to the assistance to be given to voters shall also apply where voting machines are used[.]"</p>
Enforcement Actions	N/A
Best Practices	<p>The South Carolina State Election Commission (SCSEC) publishes and updates a "Poll Managers' Handbook," which contains a detailed explanation of a voter's right to assistance under the exact language of VRA § 208. (http://www.scvotes.org/south_carolina_poll_managers_handbook).</p> <p>The SCSEC maintains a "Voters with Disabilities" webpage, which informs voters that "Assistance in marking a ballot is allowed only if the voter is blind, illiterate or physically handicapped. A voter entitled to receive assistance may choose anyone to assist except his employer, agent of his employer, or an officer or agent of his union" (http://www.scvotes.org/voters_with_disabilities).</p>

* Base is less than 75,000 and therefore too small to provide an estimate. U.S. Census Bureau, Current Population Survey, November 2012.

South Dakota (SD)

Demographics

Asian American Population	10,216
Percentage of Asian American Population	1.25%
Limited English Proficiency among Asian Americans (Speaks English “less than very well”)	43.00%
Asian American Voter Registration Rate	N/A* (Non-Hispanic White: 76.1%)

Section 208 of the Voting Rights Act

Right to Assistor of Choice – State Specifics

Relevant State Statutes	S.D. Codified Laws § 12-18-25: <i>Assistance of Disabled or Illiterate voter by Person of his Choice</i> – "Assistance of disabled or illiterate voter by person of his choice" -- "Any voter who by reason of physical disability or illiteracy is unable to read or mark a ballot may receive the assistance of any person whom such voter may select."
Enforcement Actions	N/A
Best Practices	N/A

* Base is less than 75,000 and therefore too small to provide an estimate. U.S. Census Bureau, Current Population Survey, November 2012.

Tennessee (TN)

Demographics

Asian American Population	113,398
Percentage of Asian American Population	1.79%
Limited English Proficiency among Asian Americans (Speaks English “less than very well”)	36.35%
Asian American Voter Registration Rate	N/A* (Non-Hispanic White: 68.3%)

Section 208 of the Voting Rights Act

Right to Assistor of Choice – State Specifics

Relevant State Statutes	Tenn. Code Ann. § 2-7-116: <i>Disabled, Illiterate, Blind Voters; Assistance; Certified Record</i> – "A voter who claims, by reason of illiteracy or physical disability other than blindness, to be unable to mark the ballot to vote as the voter wishes and who, in the judgment of the officer of elections, is so disabled or illiterate, may" rely on assistance from any person of the voter's choosing.
Enforcement Actions	N/A
Best Practices	Election guide informing TN voters, in part, of their rights under Section 208 of the VRA, http://www.866ourvote.org/state/materials/TN-FAQ-2012-FINAL.pdf .

* Base is less than 75,000 and therefore too small to provide an estimate. U.S. Census Bureau, Current Population Survey, November 2012.

Texas (TX)

Demographics

Asian American Population	1,110,666
Percentage of Asian American Population	4.42%
Limited English Proficiency among Asian Americans (Speaks English “less than very well”)	35.03%
Asian American Voter Registration Rate	59.1% (Non-Hispanic White: 73.0%)

Section 208 of the Voting Rights Act

Right to Assistor of Choice – State Specifics

Relevant State Statutes	<p>Tex. Code Ann. § 64.031: Eligibility for Assistance – "A voter is eligible to receive assistance in marking the ballot, as provided by this subchapter, if the voter cannot prepare the ballot because of: (1) a physical disability that renders the voter unable to write or see; or (2) an inability to read the language in which the ballot is written."</p> <p>Tex. Code Ann. § 64.032: Persons Providing Assistance – Except as provided by Subsection (c), two election officers of different political parties from one another shall provide the assistance unless finding such officers is not possible.</p> <p>Tex. Code Ann. § 64.036: Unlawful Assistance – Unlawful assistance is when a person knowingly assists a voter who is not eligible for assistance, tries to influence voter, provides assistance to those who have not requested help; an election officer commits an offense if he knowingly allows a person to provide assistance to a voter who is not eligible for assistance or in violation of Section 64.032(c).</p> <p>Tex. Code Ann. § 86.010: Assisting Voter – “A voter casting a ballot by mail who would be eligible under Section 64.031 to receive assistance at a polling place may select a person as provided by Section 64.032(c) to assist the voter in preparing the ballot."</p>
Enforcement Actions	<p>United States v. Fort Bend County, TX (S.D. Tex. 2009) Fort Bend county had a large Hispanic community, some of which was limited English Proficient. Plaintiffs allege that Fort Bend County violated Section 208 because it did not allow LEP voters to use the assistors of their choice, failed to provide them with poll workers who were proficient in Spanish, and inadequately training poll workers in dealing with limited English Proficiency voters. In the Consent Decree, the defendants were permanently enjoined from prohibiting any voter who requires assistance to vote by reason of blindness, disability, or inability to read or write, so long as the assistor is not the voter’s employer, agent of that employer, or officer or agent of voter’s union. Assistance includes reading or interpreting the ballot and instructing voters on how to select the voters’ preferred candidates.</p> <p>United States v. Brazos County, (S.D. Tex. 2006) Plaintiffs alleged that Brazos County violated Section 208 because the defendants did not allow LEP Hispanics voters to use the assistors of their choice. Poll workers were also inadequately trained and misinformed as to how to help these voters. In the Consent Decree, the defendants agreed to allow Spanish-speaking voters to use any assistor of their choice, so long as the assistor was not the voter’s employer or union, or an agent of those entities. Furthermore, defendants had to provide poll workers who were fluent in Spanish so that they could be selected as assistors if the voters so wished.</p>

	<p><i>United States v. Hale County, TX (N.D. Tex. 2006)</i> Nearly half of Hale County’s population is Hispanic. Plaintiffs alleged that the defendants violated Section 208 because they did not allow LEP Hispanics voters with limited English Proficiency to use the assistors of their choice. Poll workers were also inadequately trained and misinformed as to how to help these voters. In the Consent Decree, the defendants were ordered to allow Hispanic voters to use any assistor of their choice, so long as the assistor was not the voter’s employer or union, or an agent of those entities. Furthermore, defendants had to provide Spanish-speaking poll workers so that voters could select them as assistors.</p>
Best Practices	N/A

Utah (UT)

Demographics

Asian American Population	77,748
Percentage of Asian American Population	2.81%
Limited English Proficiency among Asian Americans (Speaks English "less than very well")	35.19%
Asian American Voter Registration Rate	N/A* (Non-Hispanic White: 66.6%)

Section 208 of the Voting Rights Act

Right to Assistor of Choice – State Specifics

Relevant State Statutes	Utah Code Ann. § 20A-3-108(1): <i>Assisting Disabled, Illiterate, or Blind Voters</i> "Any voter who is blind, disabled, unable to read or write, unable to read or write the English language, or is physically unable to enter a polling place, may be given assistance by a person of the voter's choice."
Enforcement Actions	N/A
Best Practices	N/A

* Base is less than 75,000 and therefore too small to provide an estimate. U.S. Census Bureau, Current Population Survey, November 2012.

Vermont (VT)

Demographics

Asian American Population	10,463
Percentage of Asian American Population	1.67%
Limited English Proficiency among Asian Americans (Speaks English “less than very well”)	41.35%
Asian American Voter Registration Rate	N/A* (Non-Hispanic White: 73.6%)

Section 208 of the Voting Rights Act

Right to Assistor of Choice – State Specifics

Relevant State Statutes	Vt. Stat. Ann. tit. 17 § 2569(a): Assistance to Voter – "A voter who declares to the presiding officer that he or she needs assistance to mark the ballot or register a vote on a machine shall be assisted in the marking or registering of the ballot by a person of the voter's choice or two election officials of different party affiliations."
Enforcement Actions	N/A
Best Practices	N/A

* Base is less than 75,000 and therefore too small to provide an estimate. U.S. Census Bureau, Current Population Survey, November 2012.

Virginia (VA)

Demographics

Asian American Population	522,199
Percentage of Asian American Population	6.53%
Limited English Proficiency among Asian Americans (Speaks English “less than very well”)	31.30%
Asian American Voter Registration Rate	75.8% (Non-Hispanic White: 61.1%)

Section 208 of the Voting Rights Act

Right to Assistor of Choice – State Specifics

Relevant State Statutes	Va. Code Ann. § 24.2-649: <i>Assistance for Certain Voters; Penalties</i> – Uses Section 208 language to identify and allow certain voters to seek assistor; assistor cannot enter voting booth unless voter is somehow physically unable to vote without assistor; various clearances must be met in order to make sure that assistor is not unduly influencing voter.
Enforcement Actions	N/A
Best Practices	<p>The Virginia State Board of Elections has a guide to voting that includes information on voting assistance (http://www.sbe.virginia.gov/Files/Forms/VoterForms/EasyVoterGuide.pdf).</p> <p>The City of Chesapeake also includes information about voting assistance in its online materials (http://www.cityofchesapeake.net/Government/City-Departments/Departments/Voter-Registrar/register/Virginia-Voter-Rights-and-Responsibilities.htm?PageMode=Print).</p> <p>Virginia's election website states that people who cannot read or write may request assistance (http://sbe.virginia.gov/index.php/registration/voters-with-special-needs).</p>

Washington (WA)

Demographics

Asian American Population	604,251
Percentage of Asian American Population	8.99%
Limited English Proficiency among Asian Americans (Speaks English “less than very well”)	35.96%
Asian American Voter Registration Rate	69.7% (Non-Hispanic White: 75.1%)

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Right to Assistor of Choice – State Specifics

Relevant State Statutes	Wash. Rev. Code § 29A.40.160: <i>Voting Centers</i> – "If any voter states that he or she is unable to cast his or her votes due to a disability, the voter may designate a person of his or her choice, or two election officers, to enter the voting booth and record the votes as he or she directs."
Enforcement Actions	N/A
Best Practices	N/A

West Virginia (WV)

Demographics

Asian American Population	16,465
Percentage of Asian American Population	0.89%
Limited English Proficiency among Asian Americans (Speaks English "less than very well")	31.36%
Asian American Voter Registration Rate	N/A* (Non-Hispanic White: 68.6%)

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Right to Assistor of Choice – State Specifics

Relevant State Statutes	W. Va. Code Ann. § 3-1-34(e)(1): <i>Voting Procedures Generally; Assistance to Voters; Voting Records; Penalties –</i> "No voter may receive any assistance in voting unless, by reason of blindness, disability, advanced age or inability to read and write, that voter is unable to vote without assistance."
Enforcement Actions	N/A
Best Practices	N/A

* Base is less than 75,000 and therefore too small to provide an estimate. U.S. Census Bureau, Current Population Survey, November 2012.

Wisconsin (WI)

Demographics

Asian American Population	151,513
Percentage of Asian American Population	2.66%
Limited English Proficiency among Asian Americans (Speaks English “less than very well”)	32.94%
Asian American Voter Registration Rate	N/A* (Non-Hispanic White: 79.6%)

Section 208 of the Voting Rights Act

Right to Assistor of Choice – State Specifics

Relevant State Statutes	<p>Wis. Stat. § 6.82: <i>Assisting Electors</i> – Tracks the language of VRA § 208 and specifically provides right of assistance to voter who has difficulty in reading, writing, or understanding English.</p> <p>Wis. Stat. § 6.87: <i>Absent Voting Procedure</i> – Declares voter's right to assistance with absentee ballot if he or she has difficulty in reading, writing, or understanding English.</p> <p>Wis. Stat. § 10.02: <i>Type B Notice Consent</i> – Declares that "Type B" election notices must inform electors of their right to assistance if they have difficulty reading, writing, or understanding English.</p>
Enforcement Actions	N/A
Best Practices	The Election Division of the WI Government Accountability Board publishes and regularly updates an "Election Day Manual for Wisconsin Election Officials." (available at http://gab.wi.gov/clerk/education-training/election-day-manual). This document explains voters' rights to assistance specifically when then have difficulty reading, writing, or understanding English.

* Base is less than 75,000 and therefore too small to provide an estimate. U.S. Census Bureau, Current Population Survey, November 2012.

Wyoming (WY)

Demographics

Asian American Population	6,729
Percentage of Asian American Population	1.19%
Limited English Proficiency among Asian Americans (Speaks English “less than very well”)	23.85%
Asian American Voter Registration Rate	N/A* (Non-Hispanic White: 67.0%)

Section 208 of the Voting Rights Act

Right to Assistor of Choice – State Specifics

Relevant State Statutes	Wyo. Stat. Ann. § 22-13-113: <i>Persons Permitted in Voting Booth; Time Limit</i> Limits the number of people allowed in a voting booth at one time as well the time they are allowed in it.
Enforcement Actions	N/A
Best Practices	The Fremont County election website has information about voter assistance (http://fremontcountywy.org/county-clerk/election-and-voting).

* Base is less than 75,000 and therefore too small to provide an estimate. U.S. Census Bureau, Current Population Survey, November 2012.