



ASIAN AMERICAN LEGAL DEFENSE AND EDUCATION FUND

99 HUDSON STREET, 12 FL • NEW YORK, NY 10013 • TEL 212.966.5932 • <http://www.AALDEF.org> •

March 17, 2009

Karen Anderson
City Clerk
City of Malden
200 Pleasant St., Room 323
Malden, MA 02148

Re: Observations of General Elections in Malden, MA on November 4, 2008

Dear Ms. Anderson:

We are writing to highlight the Asian American Legal Defense and Education Fund's (AALDEF) findings from observing the General Elections in Malden, Massachusetts on Tuesday, November 4, 2008 for compliance with the federal Voting Rights Act (VRA) and Help America Vote Act (HAVA). We also thank you for allowing us to conduct these activities, pursuant to Massachusetts General Law Chapter 54, Section 35, and 950 CMR 53.03(18), and hope to continue working with your office to improve the voting process for all Malden voters.

AALDEF is a nonpartisan civil rights organization that protects and promotes the voting rights of Asian Americans. Our activities on Election Day were strictly limited to conducting a nonpartisan and anonymous exit poll and interviewing individual voters after they voted or were denied the right to vote. We also conducted exit polls in other cities in Massachusetts, such as Quincy, Boston, and Lowell, and other states like New York, New Jersey, Pennsylvania, Maryland, Virginia, and others.

In preparation for the 2008 General Elections, we wrote to you on October 15, 2008, requesting permission and informing you that we intended to conduct exit polls at the Beebe School, 401 Pleasant Street (Ward 3/Precinct 1 and Ward 3/Precinct 2) on November 4, 2008. The poll site has a large percentage of Asian American voters. We promised in that letter that we would subsequently report our findings to you.

Overall, we found that the 2008 General Elections proceeded, for the most part, free of any major incidents. However, as we interviewed Asian American voters exiting poll sites, we documented a few problems that voters encountered while trying to vote. The most significant problems are reviewed herein.

A. Language Assistance

We surveyed 102 voters at the poll site in our multilingual nonpartisan exit poll. The largest Asian ethnic groups in the survey were Chinese (63%) and Vietnamese (14%). Among the voters surveyed:

- 77% were foreign-born citizens
- 26% were first-time voters
- 32% were limited English proficient
- 11% stated that they preferred voting with an interpreter and/or translated materials

Six (6) survey respondents, most of whom were Vietnamese, stated that they needed the assistance of an interpreter, but no one was available in their language. In addition, seven (7) other respondents indicated that they needed written language assistance but this was not available in their language. We request that you increase the availability of Chinese and Vietnamese interpreters at the poll site to assist voters and that you provide translated voting materials as well.

We observed that one poll worker was able to assist limited English proficient voters. However, more was needed. One voter, who was accompanied by several other voters who had limited English proficiency, commented that there was a bilingual poll worker in one room (for one of the precincts) but not in the adjacent room (for the other precinct). These voters expressed hope that the City of Malden would provide more translators.

B. Provisional Ballots and Voter Roll

One voter, [REDACTED] of [REDACTED] Horace Street, #2, 02148, complained that his last name ("Chon") was spelled incorrectly (as "Chan") on the voter roll, even though his name was correctly spelled when he voted at the same poll site during the 2006 election and 2008 primary. The voter was given a provisional ballot and then told by poll workers to go to City Hall to register for future elections because provisional ballots were "more difficult."

On January 8, we called your office to confirm whether this voter's provisional ballot was counted. The person we spoke to was courteous and told us that the voter's last name was in fact misspelled in the computer system, but she did not know how to confirm his provisional ballot. She said she had a stack of provisional ballots that was not organized in any way. We hope you can investigate this matter.

Voters whose names are missing from or misspelled on registration lists are allowed to vote by provisional ballot. When this occurs, their registrations are confirmed and their ballots are counted. However, the voter in this case was still told to go to City Hall in order to correct the error for future elections.

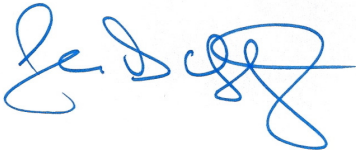
We instead recommend that the City of Malden use these provisional ballots or their affirmations to correct registration errors and omissions. Voters' provisional ballot affirmations already contain information mostly identical to that in their original voter registration forms. This will ensure that voters can vote in future elections. We believe that when voters have taken all the necessary steps to register to vote, but errors may prevent them from being registered correctly or from having their votes counted, corrective measures must be put in place.

C. Other Issues

In addition to these incidents, as you know, voters generally need not show ID in order to vote in Massachusetts. Identification requirements under HAVA are limited and only apply to first-time voters. According to the results of our survey, 185 respondents were required to show identification, and of them 111 or 60% were not first-time voters and were not required to do so.

We, the following cosigners, commend the elections officials' interest in working with AALDEF on documenting local Asian American voters' experience last fall. We consider this a very positive step forward. We urge the City to make efforts to include all eligible voters in the process, and encourage City officials at all levels to make further improvements as indicated in this letter. If you have any questions, please do not hesitate to contact us at (212) 966-5932. Thank you.

Sincerely,



Glenn D. Magpantay
Staff Attorney,
Asian American Legal Defense and
Education Fund



Loretta Kemp
Board Member,
Malden Asian Pacific American Coalition,
Inc.



Richard Cheng
President of the Board,
Malden Asian Pacific American
Coalition, Inc.

cc: Michelle K. Tassinari, Legal Counsel, Elections Division, Secretary of State
Christopher Coates, Chief of Voting Section, Civil Rights Division