



ASIAN AMERICAN LEGAL DEFENSE AND EDUCATION FUND

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COMMUNITY UPDATE

AALDEF, ASAAL & CHHAYA CDC FILES VOTING RIGHTS ACT LAWSUIT AGAINST THE NYC BOARD OF ELECTIONS FOR FAILING TO PROVIDE TRANSLATED BENGALI BALLOTS IN QUEENS COUNTY

On July 2, 2013, the Asian American Legal Defense and Education Fund (AALDEF), representing ASAAL, Chhaya CDC and South Asian voters in Queens, sued the NYC Board of Elections for failing to provide translated Bengali ballots in Queens County, as required by the Voting Rights Act.

On October 13, 2011, the Census Bureau announced that Queens County, New York was covered under Section 203 of the Voting Rights Act for Asian Indian language assistance. Section 203 of the Voting Rights Act covers a jurisdiction when the Director of the Census certifies, based on the latest data, that more than 10,000 or 5% of all voting age citizens of the same language minority group — Alaskan Native, Asian, Spanish, or Native American — have limited English proficiency (LEP) and an average illiteracy rate higher than the national average. In New York City, as many as 60% of Bengali-speaking residents have limited English proficiency.

Community groups met and decided that Bengali was the most appropriate Indian language to use. The NYC Board of Elections agreed to provide translated ballots and voting assistance in Bengali.

- Four elections have passed and the Board has never fully complied with the law. Ballots translated into Bengali were not provided during the Presidential Primary Election on April 24, 2012; the Congressional Primary Election on June 26, 2012; the State Primary Election on September 13, 2012, or the Presidential Election on November 6, 2012.
- The Board proposed a compliance plan with interpreters and other translated materials for the June, September, and November 2012?? Primary Elections. However, there were too few interpreters at poll sites and signs identifying interpreters were often missing, relegating Bengali-speaking interpreters to sit in front of Chinese “Interpreter Available” signs.
- The Board refused to formally confirm that Bengali ballots would be available for the next election, and unfairly treated Bengali language assistance differently than Chinese and Korean language assistance. The Board failed to provide a final compliance plan for Bengali and refused to meet with the Bengali Advisory Group.
- The Board offered to make translated sample ballots available to voters in lieu of the actual bilingual ballots in Bengali. However, during the past four elections, sample ballots were not posted and were not available to voters at all targeted poll sites.

Bengali language assistance should not be treated differently than other required language assistance. South Asian voters in Queens with limited English proficiency have been deprived of required language assistance for four consecutive elections. This lawsuit seeks to ensure that these voters finally receive the language assistance that they are entitled to under the law.

For more information or a copy of the complaint, contact:

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The Asian American Legal Defense and Education Fund (AALDEF), founded in 1974, is a national organization that protects and promotes the civil rights of Asian Americans. By combining litigation, advocacy, education, and organizing, AALDEF works with Asian American communities across the country to secure human rights for all.