



**Statement of
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For

**Forum On State Voter Laws
“Excluded from Democracy: The Impact of Recent State Voting Law Changes”
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The wave of voter suppression laws that have been enacted by many state legislatures has made voting more difficult for Asian American voters. The Asian American Justice Center (AAJC) submits this statement about the impact of recent state voting law changes on the Asian American community.

AAJC is a national non-profit, non-partisan organization that works to advance the human and civil rights of Asian Americans, and build and promote a fair and equitable society for all. AAJC is a member of the Asian American Center for Advancing Justice (“Advancing Justice”) along with three affiliates: the Asian American Institute in Chicago, the Asian Law Caucus in San Francisco and the Asian Pacific American Legal Center in Los Angeles. All members of Advancing Justice have been engaged in working with their community members to ensure their right to vote. AAJC also has 120 community partners serving their communities in 60 cities across 30 states, and Washington, D.C.

AAJC, and the other members of Advancing Justice, work to eliminate barriers to the participation of Asian Americans in our nation's political process. This includes working to defend and enforce the Voting Rights Act (VRA), encouraging voter registration through enforcement of the National Voter Registration Act, improving election systems and providing analysis of Asian American electoral participation. AAJC also provides training and technical assistance to local groups on a wide range of issues that remove barriers to voting, such as implementation of the Help America Vote Act (HAVA) and enforcing the language assistance provisions of the VRA.

Asian American Community Profile

While the Asian American community has become more established in recent years, its continuing explosive growth and the current political climate have created numerous

opportunities and challenges, particularly in the realm of voting. The Asian American community is the fastest growing minority community according to the 2010 census with a growth rate of 46%.¹ There are now over 17.3 million Asian Americans, comprising 6% of the nation's population. This growth is occurring in states with large, established Asian American populations, such as California and New York, as well as in states with emerging Asian American communities, such as Nevada, home to the nation's fastest growing Asian American population, Arizona, North Carolina, and Georgia. Texas and New Jersey became home to the third and fourth largest Asian American populations, overtaking Hawaii in numbers of Asian Americans since the previous census.²

The rising diversity of America's populace has resulted in more voices participating in the political debate, with many racial and ethnic groups seeing an overall increase in participation as well as civic engagement. For example, approximately 600,000 additional Asian Americans voted in the 2008 Presidential election as compared to 2004, with 55% of voting-age citizens registering and 86% turning out to vote in 2008.³ We have seen the Asian American voters' political voice being heard through the election of Asian American candidates. In Minnesota, two Hmong Americans successfully ran for the state senate and the state house.⁴ An Asian American is in New York's state legislature,⁵ a Vietnamese American was recently elected to the Texas state legislature, beating an incumbent,⁶ and San Francisco elected its first Chinese-American mayor.⁷ However, this progress is threatened by the recent state voter laws that have been passed by state legislatures across the country.

Recent State Voter Laws

A number of states that have passed at least one of these restrictive laws have growing Asian American populations who stand to be negatively impacted. For example, in Georgia, where restrictions to early voting were enacted and where photo ID and proof of citizenship legislation have already passed in previous years, we saw a growth rate of 83%, with an Asian American population of over 365,000 persons.⁸ In Alabama where both a Voter ID requirement

¹ Asian American Center for Advancing Justice, *A Community of Contrasts: Asian Americans in the United States 2011* 7 (2011) ("Community of Contrast").

² *Id.* at 6.

³ U.S. Census Bureau, *Voting and Registration in the Election of November 2008*, May 2010, at 2-4, available at <http://www.census.gov/prod/2010pubs/p20-562.pdf>.

⁴ Cy Thao and Mee Moua served as members of the Minnesota House of Representatives and the Minnesota Senate, respectively. Each decided not to run for re-election in 2010.

⁵ Ellen Young made New York State history when she was elected in 2006 as the first Asian-American woman to serve in the legislature. She lost in the 2008 primary for reelection to Grace Meng, also an Asian-American woman who went on to win the 2008 general election with 86 percent of the vote and ran uncontested in the 2010 general election.

⁶ Hubert Vo became the first Vietnamese state legislator in the state of Texas in 2004 and is still in office.

⁷ Interim Mayor Ed Lee was elected mayor of San Francisco in November 2011. He became the first Chinese American elected to lead a city where a fourth of the voters are of Chinese descent.

⁸ *Id.*

and a proof of citizenship for voter registration have been enacted, the Asian American population saw a 70% increase between 2000 and 2010.⁹ Florida and Texas also saw numerous restrictive laws passed and have large Asian American populations that are fast growing – almost 575,000 and over 1,110,000 respectively and both with a 72% growth rate.¹⁰ In fact, in the eleven states where these types of restrictive voter suppression laws were passed, more than half experienced a more than 50% growth rate in their Asian American population.

Asian American Populations in Selected States

State	Asian American Population – 2010	Growth Rate between 2000-2010
Georgia	365,497	83%
Florida	573,083	72%
Texas	1,110,666	72%
Alabama	67,036	70%
South Carolina	75,674	68%
Tennessee	113,398	65%
Kansas	83,930	50%
Ohio	238,292	49%
Wisconsin	151,513	47%
West Virginia	16,465	39%
Rhode Island	36,763	30%

Voter ID

Restrictive voter ID provisions in which only a few specified government-issued photo IDs can be used to vote can be problematic for Asian Americans. According to one study, immigrant and minority voters are “consistently less likely to have” the required identification.¹¹

Most of the states that passed voter ID bills require voters to show government-issued photo IDs, with all seven states accepting an unexpired driver’s license, non-driver’s ID issued by a motor vehicle department, U.S. passport, or U.S. military photo ID. Obtaining these IDs requires both time and some expense. For example, the application fee to obtain a passport is currently \$140 for a passport book and card, \$110 for a passport book or \$30 for a passport card for those of voting age. Another \$25 is due for an execution fee regardless of which passport is

⁹ Community of Contrast, 60 (Appendix B: AA Population by State).

¹⁰ *Id.*

¹¹ Matt A. Barreto, et. al, Voter Id Requirements and the Disenfranchisements of Latino, Black And Asian Voters 1 (2007), available at http://faculty.washington.edu/mbarreto/research/Voter_ID_APSA.pdf (“Voter ID Requirements Study”).

obtained. Therefore, it will cost between \$55 to \$165 to obtain valid federal photo identification.¹² Furthermore, just over one-quarter of all Americans have U.S. passports nationwide.¹³

In addition to the time and fees involved in obtaining one of these photo IDs, racial and ethnic minorities, including Asian Americans, do not have the same access to identification as whites.¹⁴ According to one study, Asian Americans were over 20% less likely to have two forms of identification compared to Whites.¹⁵ For example, Asian Americans and immigrants were significantly less likely to have at least a driver's license and one additional form of identification.¹⁶ There also exist considerable group differences for forms of identification that many considered very basic or accessible.¹⁷ For example, Asian Americans were almost 24% less likely to have access to a recent bank statement. Additionally, in the case of family and multi-generational households, a living pattern Asian Americans and Pacific Islanders are more likely to engage in, bills may be solely in the name of the male head of household, leaving the other adults without proof of their residency in that house.¹⁸ Asian American voters are eighteen percent less likely to be able to produce a utility bill and eleven percent less likely to be able to produce a property tax bill that would contain their name and current address.¹⁹

In addition to the barriers to obtaining the necessary documents and photo IDs, Asian Americans are susceptible to profiling by voter ID provisions. Asian Americans are often perceived as “foreigners,” somehow “un-American,” or as “other.” We have seen an increase in singling out Asian American voters based on the color of their skin or the accent of their voice. For example, in the state of Washington, a private citizen challenged the right to vote of more than one thousand people with “foreign-sounding” names, primarily targeting Asian and Hispanic voters.²⁰ In Bayou La Batre, Alabama, a fishing village of about 2,750 residents (about one-third of who are Asian Americans), Asian American voters were singled out for challenges during the 2004 primary election when an Asian American candidate ran for City Council. In a concerted effort to intimidate supporters of this candidate, supporters of a white incumbent challenged only Asian American voters at the polls, which the Department of Justice found to be racially motivated after an investigation.²¹ This racial profiling has also occurred at poll sites in

¹² U.S. Dept. of State, Passport Fees, http://travel.state.gov/passport/get/fees/fees_837.html.

¹³ U.S. Govt. Acct. Off., STATE DEPARTMENT Comprehensive Strategy Needed to Improve Passport Operations (2008), available at <http://www.gao.gov/new.items/d08891.pdf>. The report also noted that more than 24 million of these passports would expire by 2013.

¹⁴ Voter ID Requirements Study, *Id.* at 16-17.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.* at 26.

²⁰ *Id.*

²¹ DeWayne Wickham, *Why renew Voting Rights Act? Ala. town provides answer*, USA Today, Feb. 22, 2006, available at http://www.usatoday.com/news/opinion/editorials/2006-02-22-forum-voting-act_x.htm.

which poll workers selectively asked Asian American voters for IDs but not White voters. For example, in one New York City precinct, poll workers asked one in six Asian Americans for photo identification at the polls, while white voters were permitted to vote without showing any identification (despite the fact that New York had no ID requirement).²²

Proof of Citizenship for Voter Registration

Proof of citizenship requirements disproportionately impact Asian Americans due to high rates of immigration and naturalization in the community. Acceptable documents to prove citizenship for this requirement include: any driver’s or non-driver’s ID that includes a notation that the person submitted proof of U.S. citizenship, a U.S. birth certificate, a U.S. passport or U.S. naturalization documents, certain tribal IDs, and other rare documents. The same difficulties noted in the Voter ID section regarding access to documentation apply in the context. Additionally, foreign-born persons will not have some of these options available to them because of their place of birth. Foreign-born persons also face additional fees to obtaining a replacement Certificate of Naturalization, which currently requires \$345 and takes at least six months to process.²³

Asian Americans will face greater barriers to registration than White, non-Hispanic voters under these laws as approximately 60% of Asian Americans are foreign-born and approximately 57% of Asian American immigrants have naturalized nationwide.²⁴ In the three states that have passed proof of citizenship requirements, approximately 70% of Asian Americans are foreign-born and approximately 34% are naturalized.²⁵

Foreign-Born and Naturalization Rates for Asian Americans in Selected States

State	Total Asian population	Asian Foreign-Born population	Asian Foreign-Born %	Asian Naturalized population	Asian Naturalized %
Alabama	48,458	33,996	70%	16,011	33%
Kansas	61,946	43,517	70%	20,765	34%
Tennessee	84,717	60,155	71%	29,122	34%

²² Brennan Center, Policy Brief on Voter Identification, *available at* http://www.brennancenter.org/content/resource/policy_brief_on_voter_identification/ (last updated Sept. 2006).

²³ See U.S. Dep’t of Homeland Sec., Instructions for Form N-565, Application for Replacement Naturalization/Citizenship Document, <http://www.uscis.gov/files/form/n-565instr.pdf> (documenting the filing fee); USCIS, USCIS Processing Time, <https://egov.uscis.gov/cris/processTimesDisplayInit.do>.

²⁴ Community of Contrast, 13-14. In 2010, more than 250,000 Asian American immigrants became U.S. citizens.

²⁵ U.S. Census Bureau, American Community Survey 2007-2009, Table B05003D. Sex by Age By Citizenship Status (Asian Alone).

A third of the Asian American community in each state may encounter difficulties when attempting to register to vote because of the new proof of citizenship requirements. By contrast, less than one percent of White Americans are foreign-born naturalized citizens in these states.²⁶ Thus, there is a disparate impact on Asian Americans when it comes to having to provide the proof of citizenship.

Limitations or outright elimination of early voting opportunities and barriers to first time voters (such as the elimination of same day registration and limitations on voter mobilization efforts)

Limitations or outright elimination of early voting opportunities in addition to additional barriers to first time voters will likely have a negative impact on Asian American voters. Asian Americans currently and consistently have voter registration and turnout rates that lag behind that of Non-Hispanic Whites by approximately 20%.

Reported Voting and Registration (by Percent) by Race: November 2000 to 2008²⁷

Year	Total voting-age population	Total percent		White non-Hispanic		Asian		Gap (Percent)	
		Total population	Citizen population	Total population	Citizen population	Total population	Citizen population	Total population	Citizen population
Voted									
2008	225,499	58.2	63.6	64.8	66.1	32.1	47.6	32.7	18.5
2006	220,603	43.6	47.8	50.5	51.6	21.8	32.4	28.7	19.2
2004	215,694	58.3	63.8	65.8	67.2	29.8	44.1	36.0	23.1
2002	210,421	42.3	46.1	48.0	49.1	19.4	31.2	28.6	17.9
2000	202,609	54.7	59.5	60.4	61.8	25.4	43.4	35.0	18.4
Registered									
2008	225,499	64.9	71.0	72.0	73.5	37.3	55.3	34.7	18.2
2006	220,603	61.6	67.6	69.7	71.2	32.9	49.1	36.8	22.1
2004	215,694	65.9	72.1	73.5	75.1	34.9	51.8	38.6	23.3
2002	210,421	60.9	66.5	67.9	69.4	30.7	49.2	37.2	20.2
2000	202,609	63.9	69.5	70.0	71.6	30.7	52.4	39.3	19.2

²⁶ U.S. Census Bureau, American Community Survey 2007-2009, Table B05003H. Sex by Age By Citizenship Status (White Alone, Not Hispanic or Latino).

²⁷ U.S. Census Bureau, Current Population Survey, Population Characteristics (P20) Reports and Detailed Tables, available at <http://www.census.gov/hhes/www/socdemo/voting/publications/p20/index.html> (in particular, Table 4b. Reported Voting and Registration by Sex, Race and Hispanic Origin, for States was utilized for the years referenced in chart).

While there are a number of factors that cause the gap between the two groups, including language barriers, the fact remains that more Asian Americans need to vote and that making voting harder by providing less opportunities to vote will only dampen participation.

Providing early voting would likely help to increase the number of Asian Americans voting at the polls. Surveying elections over the last decade (*see table below*), conflicting schedule/too busy is the number one reason that Asian Americans gave for not voting, at a rate of 1 in 4 non-voting Asian Americans giving that answer. Providing early voting opportunities (that are not limited to a point where they become ineffective) will make voting more convenient and accessible, thus addressing the main reasons that Asian Americans decide not to vote.

Reported Reasons for not by Asian Americans: 2000-2010²⁸

Reasons for not voting	2000	2002	2004	2006	2008	2010
Illness or disability (own or family's)	12.5%	6.3%	6.1%	7.7%	6.8%	8.0%
Out of town or away from home	13.0%	10.4%	11.6%	13.7%	12.0%	10.2%
Forgot to vote (or send in absentee ballot)	2.7%	5.7%	1.4%	7.1%	2.6%	6.0%
Not interested, felt vote would not make a difference	14.3%	8.5%	7.9%	7.5%	9.4%	12.5%
Too busy, conflicting schedule	24.9%	39.3%	31.5%	28.0%	26.9%	39.7%
Transportation problems	-	1.2%	1.3%	0.7%	1.7%	2.0%
Did not like candidates or campaign issues	5.7%	4.2%	4.4%	5.0%	4.5%	5.6%
Registration problems	5.4%	4.6%	6.1%	4.9%	7.9%	3.6%
Bad weather conditions	-	-	1.5%	0.2%	-	-
Inconvenient polling place or hours or lines too long	1.4%	0.8%	5.5%	2.7%	5.5%	1.4%
Other reason, not specified	11.1%	9.9%	13.7%	10.6%	11.8%	6.8%
Refused or don't know	9.0%	9.1%	9.0%	11.9%	11.0%	4.3%

Finally, the restrictions on third party registrations may have a negative impact on Asian Americans by limiting the number of organizations conducting voter registration drives. Fewer voter registration drives focused on Asian Americans results in fewer bilingual volunteers who can assist Asian Americans with the registration process (and fewer Asian Americans registered to vote). Asian Americans register through voter registration drives more than Non-Hispanic

²⁸ U.S. Census Bureau, Current Population Survey, Population Characteristics (P20) Reports and Detailed Tables, available at <http://www.census.gov/hhes/www/socdemo/voting/publications/p20/index.html> (in particular, Table 12. Reasons for Not Voting, by Selected Characteristics was utilized for the years referenced in chart (in 2010, this became Table 10)).

Whites and often almost on par with African Americans and Latinos. Restrictions on voter registration by third parties will remove one avenue of registration that is often used to help register those who have the most questions about the process.

Reported Rates of Registering via Voter Registration Drives: 2000-2010²⁹

Race	2000	2002	2004	2006	2008	2010
White, non-Hispanic	9.4%	7.2%	7.4%	5.7%	5.0%	4.4%
Black	13.0%	11.3%	12.7%	8.7%	11.1	7.2%
Asian	12.9%	11.1%	10.1%	7.3%	6.7%	7.0%
Hispanic	14.8%	11.1%	12.9%	9.7%	9.6%	8.9%

Conclusion

With these new restrictive voter suppression laws being introduced and enacted in states across the country, Asian Americans will be negatively impacted when it comes to the community’s ability to vote in the upcoming election. Layer on top of these new rules the language needs of the Asian American population (with almost a third of the population limited English proficient³⁰) and the community is at real risk of being negatively impacted. The lack of in-language information explaining these new rules provides an additional barrier to Asian American voters for the 2012 elections and beyond and will result in less Asian Americans at the polls. The reality is these laws simply create additional barriers to voting and thereby make it harder for our community to vote under the disguise of combating a non-existent problem (i.e., voter fraud).

²⁹ U.S. Census Bureau, Current Population Survey, Population Characteristics (P20) Reports and Detailed Tables, available at <http://www.census.gov/hhes/www/socdemo/voting/publications/p20/index.html> (in particular, Table 14. Method of Registration by Selected Characteristics was utilized for the years referenced in chart (in 2010, this became Table 12)).

³⁰ Community of Contrast, 27.