

# BOSTON REGIONAL HEARING

## (Massachusetts, Vermont, Maine, New Hampshire, and Rhode Island)

**Suffolk University Law School**  
**Boston, Massachusetts**  
**March 31, 2014**

### NATIONAL COMMISSIONER

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John Dunne, former Assistant Attorney General for Civil Rights under President George H. Bush

### GUEST COMMISSIONERS

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Rachael Cobb, Associate Professor and Chair,  
 Suffolk University Government Department

Darnell Williams, President and CEO, Urban  
 League of Eastern Massachusetts

Rahsaan Hall, Deputy Director, Lawyers'  
 Committee for Civil Rights and Economic  
 Justice

Brenda Wright, Vice President of Legal Strategies,  
 Demos

### PANELISTS

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Kate Bowden, Staff Attorney, Rhode Island  
 Disability Law Center

Sandra Kautz, Founder, Grassroots SW Boston

Sara Brady, Policy Director, MassVOTE

Elainy Mata, student, Suffolk University

Cheryl Clyburn Crawford, Executive Director,  
 MassVOTE

Chris Robarge, Central Massachusetts Field  
 Coordinator, ACLU of Massachusetts

Tyler Creighton, Assistant Director, Common  
 Cause Massachusetts

Pam Wilmot, Executive Director, Common Cause  
 Massachusetts

Avi Green, Director of Civic Outreach and  
 Development, Scholars Strategy Network

Gavi Wolfe, Legislative Counsel, ACLU of  
 Massachusetts

### PUBLIC TESTIMONY

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Michael Arnott, Cambridge resident

Leila Quinn, Generation Citizen

John Businger, former Chairman, Massachusetts  
 Joint Committee on Elections; former member,  
 Commission on Election Laws

Grace Ross, Worcester resident

Karen Chen, Chinese Progressive Association

Jonathan Simon, Executive Director, Election  
 Defense Alliance

Lisa Danetz, Legal Director, Demos

Ryan Thomas, student, Suffolk University

Mike Ferriter, Election Defense Alliance

Phi Tran, Asian American Resource Workshop

Wendy Joseph, Member of Highlands Coalition,  
 Lynn, Massachusetts

Henry Yee, Co-Chair, Chinatown Residents  
 Association

Tong Kinwah, Board Member, Chinese  
 Progressive Association

Chris Maynard, student, Suffolk University

Andy Morgan, Public Policy Assistant, Rosie's  
 Place

## WRITTEN TESTIMONY

Aleks Kajstura, Legal Director, Prison Policy Initiative

Ivette Luna, Organizing Director, Neighbor to Neighbor Massachusetts (read by Tony Mack, Mass Voter Table)

John Marion, Common Cause Massachusetts

Michelle K. Tassinari, Director/Legal Counsel, Secretary of the Commonwealth Elections Division

## SUPPORTING ORGANIZATIONS (NOT EXHAUSTIVE)

American Civil Liberties Union of Massachusetts

Common Cause Massachusetts

Demos

League of Women Voters — Massachusetts

MassVote

MIRA Coalition

New England Area Conference of the NAACP

Progressive Massachusetts

Springfield Institute

Suffolk University Government Department

Suffolk University Law School

Urban League of Eastern Massachusetts

## BOSTON REGIONAL HEARING HIGHLIGHTS

The National Commission on Voting Rights held a regional hearing in Boston on March 31, 2014, at Suffolk University Law School. The event was co-sponsored by the Lawyers' Committee for Civil Rights Under Law of Washington, DC, the Lawyers' Committee for Civil Rights and Economic Justice of Boston, and Access Strategies Fund of Cambridge, Massachusetts. Approximately 50 voters, activists, and voting rights advocates heard from witnesses about the voting challenges faced by voters with limited English proficiency in the Boston area as well as election administration issues in Massachusetts and Rhode Island.



*Chris Robarge, Field Coordinator for the ACLU Massachusetts, and Tyler Creighton, Assistant Director of Common Cause Massachusetts, speaking on Election Protection efforts in the Boston Area.*

## I. Language Access

Voters with limited English proficiency face particular challenges in exercising their right to vote. Henry Yee and Karen Chen from the Chinatown Residents Association and Tong Kinwah from the Chinese Progressive Association testified about the efforts of the Chinese community in Boston over the past decade to obtain and institutionalize bilingual ballots to facilitate full participation by voters in their community. While the City of Boston is covered under Section 203 of the Voting Rights Act, such coverage requires the city to provide election services in Spanish only.<sup>1</sup> However, in Boston, Chinese Americans are the largest Asian-American ethnic group, totaling nearly 25,000 in the 2010 census.<sup>2</sup> Boston has provided Chinese/English ballots in the past, pursuant first to a settlement agreement with the U.S. Department of Justice and more recently because of state legislation.<sup>3</sup> The most recent law expired in 2013.<sup>4</sup> Yee testified about the benefits of bilingual ballots, expressing frustration with having to galvanize the Chinese community every three years to ensure the bilingual ballot provisions are renewed by the legislature.

Kinwah pointed out that bilingual ballots also protect voters' privacy, as they eliminate the need for third-party assistance in the voting booth. Moreover, both witnesses highlighted the fact that new Americans can choose to take their citizenship exam in their native language, yet face obstacles exercising their right to vote when the ballot and instructions are not available in the language with which they are most comfortable.



Above from left, Avi Green, Scholars Strategy Network; Elainy Mata, student at Suffolk University and former poll worker for the City of Boston; Kate Bowden, attorney at the Rhode Island Disability Law Center; and Sandra Kautz, creator of Grassroots Southwest Boston, testifying at the NCVR Boston regional hearing.

<sup>1</sup> See, Bureau of Census, *Voting Rights Act Amendments of 2006, Determinations under Section 203* [http://www.census.gov/rdo/pdf/2011\\_26293.pdf](http://www.census.gov/rdo/pdf/2011_26293.pdf).

<sup>2</sup> See, *United States Census Bureau's American Fact Finder for Boston, Mass.*, available at <http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=bkmk>

<sup>3</sup> See, *Oct. 18, 2005 Order in U.S. v. City of Boston, Civil Action No. 05-11598-EGY; 2010 Mass. Acts Ch. 201.*

<sup>4</sup> *2010 Mass. Acts Ch. 201.*

Phi Tran of the Asian American Resource Workshop echoed many of Yee's and Kin-wah's statements in his testimony on the need for Vietnamese/English bilingual ballots in Boston. Vietnamese Americans are the second-largest Asian-American ethnic group in the city, totaling approximately 11,000.<sup>5</sup> According to Tran, two-thirds of the Vietnamese population in Boston has limited English proficiency, which underscores the need for and utility of bilingual ballots. Tran described bilingual ballots as a method of creating an "even playing field" for Vietnamese voters, and noted his belief, based on his own observations working with the community, that the availability of bilingual ballots contributed to increased Vietnamese voter turnout from 2010 to 2013.



*Phi Tran, Asian American Resource Workshop, talking about efforts to increase the availability of bilingual ballots in the Boston area.*

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<sup>5</sup> See, *United States Census Bureau's American Fact Finder for Boston, Mass.*, available at <http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=bkmk>