ADVANCING JUSTICE SEEKS TO PROTECT LIMITED ENGLISH PROFICIENT VOTERS IN GEORGIA

Advancing Justice-Atlanta and Advancing Justice-LA File Motion to Enjoin Georgia Law Preventing Interpreters for Voters Before December 4 Runoff

Atlanta, Georgia, November 27, 2018 — In the wake of mounting allegations of voter suppression in Georgia, Asian Americans Advancing Justice - Atlanta (Advancing Justice-Atlanta), Asian Americans Advancing Justice - Los Angeles (Advancing Justice-LA) with support from pro bono law firms Buckley Beal, LLP, and Alston & Bird, LLP filed a lawsuit today to block a Georgia law that severely restricts whom limited English proficient (LEP) voters can bring to the polls as their interpreter, which largely affects immigrant communities and communities of color. The lawsuit seeks to protect these voters during the December 4th runoff election.

Currently, Georgia narrowly defines who can provide language assistance to LEP voters in state and local elections. The law states that an interpreter must be a family member or registered voter in the same precinct, a severe limitation on LEP voters’ right to choose an interpreter under Section 208 of the federal Voting Rights Act. Section 208 gives LEP voters wide latitude to use any interpreter to assist them through the voting process, provided that the interpreter is not a representative of their employer or union.

"Advancing Justice-Atlanta has been on the ground working with voters of color and encouraging them to be part of the civic process," said Phi Nguyen, Litigation Director at Advancing Justice-Atlanta. "However, language barriers persist as an obstacle for Latino Americans and Asian American Pacific Islanders, or AAPIs, to meaningfully participate in this process. We should be making it as easy as possible for everyone to vote, not excluding people."

Language assistance at the polls is essential for LEP voters when bilingual materials are not available. Gwinnett County is currently the only county in the state to offer bilingual materials and assistance, which it offers in Spanish. However, it offers no assistance in any AAPI languages despite the AAPI community making up 11% of its population. And while the limited English proficient population is spread across the state, nearly all elections that are conducted are administered exclusively in English. This leaves LEP and AAPI voters across the state, and Latino voters in all counties except Gwinnett County, with only one option: bring an interpreter with them to the polls.

"It is critical that we safeguard the right to language assistance at the polls for voters with limited English proficiency," said Brian J. Sutherland, a partner with the Atlanta law firm of Buckley Beal, LLP and a former ACLU voting rights attorney. "For these voters, the fundamental right to vote depends upon the right to language assistance."

More than 500,000 Georgians identify as LEP, the vast majority of whom are AAPI and Latino. While AAPIs only make up 3.7% of Georgia’s total population, they are approximately 19% of LEP population. Likewise, while Latinos only account for 9% of the state’s population, they represent 63% of the LEP population. Thirty-six percent of the AAPI community and 38% of the Latino community speak English less than “very well”.

"This law is absolutely unconstitutional," said Christopher Lapinig, Staff Attorney at Advancing Justice-LA.
“Since the Voting Rights Act, voter participation by LEP voters and other language minorities has increased. This is a draconian rule that restricts the voting power of the growing populations of Latinos and Asian American Pacific Islanders in Georgia by taking away the only option for language assistance for many in the state. No voter should have their most fundamental right abridged merely because they are limited English proficient and need assistance to vote an informed ballot.”

Georgia’s voter suppression tactics such as the “exact match” policy and rejection of absentee ballots for “signature mismatches” have been making headlines in recent months due to the closely watched 2018 gubernatorial race. However, less attention has been paid to LEP voter rights and the voter suppression that affects immigrant voters.

Jin Kwon, who is a 65 year old Korean LEP voter, is one of the plaintiffs in this case. “I contacted Advancing Justice-Atlanta for language assistance during the election,” said Mr. Kwon through an interpreter. "My wife and I do not understand English well. My children live out of state, and I don’t know any other registered voters who speak Korean in my precinct. An interpreter came to help me, but we were stopped by the poll worker. I was afraid that I would not be able to vote. It was a relief to have her. I am not comfortable voting alone in the December [runoff], I want someone to provide me language assistance at the polls."

Mr. Kwon is one of the many LEP voters in Georgia who will be restricted in choosing an interpreter to assist them in the December runoff. Early voting for the runoff has already begun, and Advancing Justice hopes that the court will act swiftly to protect voters before Election Day.

Contact:  
James Woo, (404) 585-8446, jwoo@advancingjustice-atlanta.org  

About Asian Americans Advancing Justice - Atlanta

Asian Americans Advancing Justice - Atlanta (formerly Asian American Legal Advocacy Center or AALAC) is the first non-profit law center dedicated to Asian immigrants and refugees (“Asian Americans”) in the Southeast.

Our goal is to engage, educate and empower under-represented Asian Americans to greater civic participation.

We are one of five independent organizations that make up the national Asian Americans Advancing Justice. Together with our affiliates in Chicago, DC, Los Angeles and San Francisco, we bring more than 100 years of collective experience in addressing the civil rights issues faced by Asian Americans and other vulnerable and underserved communities. Visit www.advancingjustice-atlanta.org.