

ADVISORY

Supporting the Participation of AANHPI Survivors of Gender-Based Violence to Vote

Asian Pacific Institute on Gender-Based Violence, September 2020

I. Introduction

Every election, voters are provided with an opportunity to communicate what is most important to them and to elect leaders who they believe will best represent them and their values. As survivors of domestic violence, sexual assault, and other forms of gender-based violence in Asian American, Native Hawaiian, and Pacific Islander (AANHPI) communities have needs and concerns that are unique to their communities and experiences, it is crucial that they have every opportunity to exercise their right to vote. However, survivors of gender-based violence in AANHPI communities often face numerous barriers to meaningfully participating in elections, including safety and privacy concerns, laws that disenfranchise many voters, language barriers, and for survivors who are homeless or living in a shelter, lack of a home address. This advisory will explain the importance of voter participation among survivors in AANHPI communities and ways to support voter safety among survivors.

II. Participation in Elections and Voting

Why Engagement of Survivors is Critical

It is crucial that survivors of domestic violence, sexual assault, human trafficking, and stalking who are eligible to vote have the opportunity to participate in elections as safely as possible, as their voices are essential to ensuring that their unique needs and concerns are addressed.

Elected lawmakers have the authority to introduce and pass local, state, and federal legislation. These include policies that directly impact survivors, including everything from

what protections are afforded to survivors, to funding for victim services programs. On the federal level, such forms of influential legislation include the Violence Against Women Act (VAWA) and Family Violence Prevention and Services Act (FVPSA). There are also many forms of legislation that impact survivors and their families, even if they are not directly focused on survivors, such as policies that affect access to public benefits, housing and homelessness, immigration, or funding for law enforcement and courts. It is therefore important that survivors can participate in elections to have a voice in electing leaders to lift up and boost support for their needs.

In many states, voters are also given the opportunity to vote to elect judges to court. Judges play an important role in deciding avenues of safety for survivors, such as for survivors who seek protection or restraining orders against abusers or perpetrators of violence, or protective child custody orders. The election of judges who understand the dynamics of domestic and sexual violence, stalking, human trafficking, and other forms of gender-based violence is therefore paramount to extending protection for survivors and their families.

More information on judges seeking election in 2020 in each state can be found at:

- Ballotpedia, State judicial elections, 2020: https://ballotpedia.org/State_judicial_elections,_2020
- National Center for State Courts: <https://www.ncsc.org/>

Survivors may also have direct opportunities to vote on voter-initiated policies that impact their safety and well-being. Twenty-four U.S. States have what is known as an initiative process, which allows voters, rather than state legislators, to vote on the passage of new law or constitutional amendments. There have been many state initiatives introduced that impact survivors, such as ones that provide protections for hotel workers from sexual harassment and assault¹ and offer paid family and medical leave for employees, including for individuals who had to leave a workplace due to domestic violence, stalking, or sexual assault.² As such, learning about voter-initiated policies and their impacts on survivors' lives is critical.

It is therefore extremely important that survivors have all of the necessary information about voting to support their participation in elections. Individuals can find voter guides with more detailed information on candidates and state initiatives by visiting their state's Secretary of State Website.³

¹ See for example, City of Seattle, Initiative No. 124.

² See for example, Colorado Proposition 118, Paid Medical and Family Leave Initiative.

³ Go to <https://www.usa.gov/election-office> to look up your state's election office.

Asian Americans, Native Hawaiians, and Pacific Islander Voters

Asian Americans, Native Hawaiians, and Pacific Islanders (AANHPIs) are a crucial segment of the electorate. However, Asian Americans vote at significantly lower rates than White Americans.⁴ In addition, among the fifty U.S. States and the District of Columbia, Hawaii produced the lowest voter turnout in the 2016 and 2018 elections.⁵ Pacific Islanders in the U.S. territories of Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands (CNMI) generally vote at higher rates than Asian Americans.⁶ However, Pacific Islanders and other individuals residing in the territories have voting restrictions and limited representation in Congress.⁷

There are particular election issues that are of high importance to AANHPIs. Asian Americans identify education, health care, and jobs as “extremely” important election-related issues.⁸ Two out of three Asian American and Pacific Islander voters noted that job creation and the economy are important due to their personal financial situations.⁹ Income inequality in the U.S. is highest among Asians,¹⁰ and many live in poverty with one in 10 Asian Americans living below the federal poverty level.¹¹ Poverty levels are even higher for Native Hawaiians and Pacific Islanders – nearly 20% live below the federal poverty level.¹²

⁴ United States Census Bureau (May 2017). Voting and Registration in the Election of November 2016. Retrieved from <https://www.census.gov/data/tables/time-series/demo/voting-and-registration/p20-580.html>; United States Census Bureau (April 2019). Voting and Registration in the Election of November 2018. Retrieved from <https://www.census.gov/data/tables/time-series/demo/voting-and-registration/p20-583.html>.

⁵ United States Census Bureau, *supra* note 5.

⁶ Balsamo-Gallina, A., & Hall, A. (2016, November 8). Guam’s voters tend to predict the presidency – but they have no say in the Electoral College. *Public Radio International*. Retrieved from <https://www.pri.org/stories/2016-11-08/presidential-votes-are-guam-they-wont-count>; De La Torre, F. (2018, November 16). Voter Turnout: 77.4 pct. *Saipan Tribune*. Retrieved from <https://www.saipantribune.com/index.php/voter-turnout-77-4-pct/>; Territory of Guam. EFES *Election Guide*. Retrieved from <http://www.electionguide.org/countries/id/89/>

⁷ Steckelberg, A., & Esteban, C. (2017, Sept. 28). More than 4 million Americans don’t have anyone to vote for them in Congress. *The Washington Post*. Retrieved from <https://www.washingtonpost.com/graphics/2017/national/fair-representation/>.

⁸ Asian and Pacific Islander American Vote, Asian Americans Advancing Justice, AAPI Data (May 2016). Inclusion, Not Exclusion: Spring 2016 Asian American Voter Survey. Retrieved from <http://aapidata.com/wp-content/uploads/2016/05/Inclusion-2016-AAVS-may23web.pdf>.

⁹ Sanam, M. (2015, Sept. 22). Asian American and Pacific Islander Voters. *Center for American Progress*. Retrieved from <https://www.americanprogress.org/issues/immigration/news/2015/09/22/121723/asian-american-and-pacific-islander-voters/>.

¹⁰ Rakesh, K., & Cilluffo, A. (2018, July 12). Income Inequality in the U.S. Is Rising Most Rapidly Among Asians. *Pew Research Center*. Retrieved from <https://www.pewsocialtrends.org/2018/07/12/income-inequality-in-the-u-s-is-rising-most-rapidly-among-asians/>.

¹¹ Tran, V. (2018, June 19). Asian Americans are falling through the cracks in data representation and social services. *Urban Institute*. Retrieved from <https://www.urban.org/urban-wire/asian-americans-are-falling-through-cracks-data-representation-and-social-services>.

¹² *Id.*

Asian Americans also identify immigration reform, especially family unification, as an important issue.¹³

As AANHPIs are uniquely impacted by many issues that are often affected by election results, it is crucial that AANHPIs are able to participate in elections to ensure that they are represented and their concerns are adequately addressed. However, the AANHPI community faces many obstacles to voting. Language barriers present one of the most prominent barriers to voting as nearly 35% of Asians and 15% of Native Hawaiian and Pacific Islanders have limited English proficiency,¹⁴ which leads to difficulties in understanding electoral information.

In addition, disenfranchisement frequently prevents Asian Americans from being able to vote. Voter identification restrictions, such as “exact match” policies requiring that voters’ names and other biographical information exactly match information in government databases, often impacts Asian American voters. In Georgia, for example, Asian Americans were six times more likely than Whites to have their voter registrations denied or delayed during the 2016 election due to slight differences in the spelling of their names on identification forms, which is a frequent problem from transliterated names.¹⁵ It is crucial that these barriers to voting are addressed to ensure that AANHPIs can meaningfully participate in voting and civic engagement.

Resources:

- Asian and Pacific Islander American Vote: <https://www.apiavote.org/>
- Asian Americans Advancing Justice: <https://www.advancingjustice-aajc.org/voting-rights>

III. Voter Safety¹⁶

Supporting survivors of gender-based violence in AANHPI communities in exercising their fundamental right to vote means considering safety and privacy throughout the process, from registration to casting a ballot.

¹³ *Supra* note 9.

¹⁴ AAPI Data. (2020, May 28). Infographic – Percentage of Asian Americans with Limited English Proficiency (2017). Retrieved from <https://aapidata.com/infographic-limited-english-2-2/>.

¹⁵ Uprety, A. (2018, May 7). 5 Ways to Increase Asian American Voter Turnout. Center for American Progress. Retrieved from <https://www.americanprogress.org/issues/race/news/2018/05/07/450310/5-ways-increase-asian-american-voter-turnout/>.

¹⁶ See National Network to End Domestic Violence, Tech Safety Project for a review of considerations and resources addressing survivor safety and privacy in voting at: <https://www.techsafety.org/voter-registration-privacy>

Voter Registration Confidentiality Concerns for Survivors

When an individual registers to vote, they must provide personally identifying information such as their address, driver's license number, social security number, and/or date of birth. This information then becomes part of the public record and generally, is made publicly available. All U.S. States and the District of Columbia allow some level of public access to voter information, although who can access the information and the type of information accessible vary state by state.¹⁷ In some states, one only needs to input very basic information, such as an individual's first and last name and date of birth,¹⁸ to access the information the individual provided when registering to vote.

Voter registration therefore presents serious privacy and safety concerns for survivors of domestic violence, sexual assault, stalking, and human trafficking. Allowing members of the general public to access voter registration information presents abusers and stalkers with an opportunity to find a survivor's sensitive information, with the ability to acquire a survivor's address being particularly alarming. This discourages many survivors from participating in elections due to warranted fears of how easily abusers and perpetrators can identify survivors and track them down.¹⁹

Address Confidentiality Programs

One practice many states have adopted in an effort to address safety concerns for survivors is the Address Confidentiality Program (ACP). The ACP provides a mailing address that is

¹⁷ To see what information is available publicly, what information is kept confidential, and who can access the voter register information in each state, see this state-by-state table developed by the National Conference of State Legislatures: <https://www.ncsl.org/research/elections-and-campaigns/access-to-and-use-of-voter-registration-lists.aspx>.

¹⁸ In New Jersey, first name, last name, and birth month and year are the only information needed to search for a voter's registration record: <https://voter.svrs.nj.gov/registration-check>. In Washington State, first and last name and date of birth are the only information required to find a voter's information: <https://info.kingcounty.gov/kcelections/vote/myvoterinfo.aspx?mode=BBDEDACBFBAAEA>.

¹⁹ Akin, K. (2019, October 3). Iowa Secretary of State partners with laundromats to help abuse survivors. *Des Moines Register*. Retrieved from <https://www.desmoinesregister.com/story/news/2019/10/03/iowa-laundromats-domestic-abuse-outreach-safe-at-home-survivor-help-secretary-of-state-voting/3851593002/>; Ethan, W. (2017, July 20). Domestic violence victims need to be able to vote without being outed. *The Charlotte Observer*. Retrieved from <https://www.charlotteobserver.com/opinion/op-ed/article162748278.html>; Rolph, A. (2018, October 9). Voting can be dangerous for domestic violence survivors in Washington state. *KUOW*. Retrieved from <https://www.kuow.org/stories/for-domestic-violence-survivors-voting-can-be-dangerous>; Schmidt, S. (2019 August 5). Victims of violence, abuse will soon have help keeping their addresses private in D.C. *The Washington Post*. Retrieved from https://www.washingtonpost.com/local/social-issues/victims-of-violence-abuse-will-soon-have-help-keeping-their-addresses-private-in-dc/2019/08/05/50bcbbda-b566-11e9-8f6c-7828e68cb15f_story.html

separate from an individual's residential address, which is kept confidential. This helps prevent abusers and perpetrators from finding a survivor's home through public records. The ACP personnel will forward mail sent to the substitute address to the ACP participants' actual addresses.

All ACPs cover survivors of domestic violence, and in some states, survivors of sexual assault, stalking, and/or human trafficking are also eligible for the ACP. Survivors who participate in the ACP can register to vote and participate in an election without their addresses becoming publicly available.

It is crucial that survivors who are looking to register to vote with a private address do so *only through the Address Confidentiality Program*, if offered by their state. Information provided by individuals who register to vote through other methods – such as at the Department of Motor Vehicles (DMV), online, or voter banks – will not be protected.

There are specific requirements and guidelines to enroll in the Address Confidentiality Program, which vary state by state.²⁰ Survivors can contact their state domestic violence coalition²¹ to learn more about participating in the Address Confidentiality Program.

Voting Safely

For survivors who are concerned that they may encounter their abuser at the polling place, or that their abuser may be monitoring or seeking to influence their vote, safety planning can include considering to request to vote by mail, requesting an absentee ballot, or early voting. In the majority of states, voters can request an absentee ballot without providing a reason for requesting one. In about one third of states, the requirements are more burdensome.

Some states mail ballots automatically to every eligible voter and voting by mail is the norm, while in other states, eligible voters have the option to request a mail-in ballot. During the COVID-19 pandemic, many states are temporarily shifting to vote by mail options to help people vote safely. For more information about absentee and mail voting policies in

²⁰ The National Network to End Domestic Violence has compiled a state-by state table of state Address Confidentiality Programs:

https://static1.squarespace.com/static/51dc541ce4b03ebab8c5c88c/t/5a611cfa53450a0bfbecff8b/1516313850795/ACP+Chart+Sept+2016_Final.pdf

²¹ See, <https://nnedv.org/content/state-u-s-territory-coalitions/>

effect for the 2020 Election, the National Conference of State Legislatures has compiled a summary.²²

Election Day Registration

Some states allow residents to register to vote on the day of the election. This is known as Election Day Registration (EDR) or same day registration. In some states, when an individual utilizes EDR, they may submit a request to be removed from the rolls. In Minnesota, an individual can fill out forms to request that their voter registration information be kept private. The information is entered only to verify the voting address, and then is marked private and inactivated from the public record.²³ Since the information is removed from the public record, survivors will have to re-register to vote every time they register via EDR.

Resources

- National Network to End Domestic Violence
 - https://nnedv.org/resources-library/h_address_voter_protection/
 - <https://www.techsafety.org/voter-registration-privacy>
- National Resource Center on Domestic Violence:
https://vawnet.org/sites/default/files/assets/files/2017-05/NRCDV_TAG-VoterRegistrationAug2012.pdf



This publication was funded by Grant #90EV0430 from the Administration on Children, Youth and Families, Family and Youth Services Bureau, U.S. Department of Health and Human Services. Its contents are solely the responsibility of the author(s) and do not represent the official views of the U.S. Department of Health and Human Services.

²² <https://www.ncsl.org/research/elections-and-campaigns/absentee-and-mail-voting-policies-in-effect-for-the-2020-election.aspx>

²³ <https://www.sos.state.mn.us/elections-voting/register-to-vote/i-fear-for-my-personal-safety/>;
<https://www.cureriver.org/voter-registration-faq/>; <https://www.sos.state.mn.us/elections-voting/register-to-vote/register-on-election-day/>