



**American-Arab Anti-Discrimination Committee**

*1980 – 2005: Celebrating 25 Years of Dedicated Service to Civil and Human Rights*

## **ELECTION 2004 - KNOW YOUR RIGHTS!**

Nearly 2.3 million Arab Americans reside in important election battleground states such as Michigan, Illinois, Pennsylvania, Ohio, and Florida. Now more than ever, with so many important political issues affecting the Arab-American community, it is critical to get out and vote on November 2nd. Unfortunately, fears that terrorists will attempt to disrupt the Presidential Election have resulted in FBI and police security initiatives that may intimidate many in the Arab-American community and keep them from voting.

Federal government sources confirm that the Bureau of Immigration and Customs Enforcement (ICE) has initiated specific enforcement actions prior to the November 2<sup>nd</sup> Presidential Election that may target the Arab community due to the use of the National Security Entry-Exit Registration System (NSEERS) database as part of enforcing immigration laws. ICE enforcement initiatives may easily result in intimidation and fear among many in the Arab-American community. It is imperative that these measures do not suppress Arab-American turnout at the polls on Election Day.

### **THE PAST:**

- The 2000 election shed light on a variety of abuses that kept voters, particularly those from minority and immigrant communities, from casting their ballots. Some examples include:
  - Harassment and intimidation of voters
    - Organized dissemination of inaccurate and incorrect information on voter qualifications
    - Organized intimidation of voters through false threats regarding the consequences of "voter fraud"
    - Threats of arrests for voting if you have outstanding bills
    - Repeated warnings that you may be committing a crime by voting
    - Requiring immigrant voters to take citizenship oaths before voting
  - Disrespectful and misinformed election officials
    - It is important to remember that election monitors are volunteers. As a result, they are not always well trained and some may have a broadly anti-immigrant and racist agenda.
  - Deceptive practices aimed at suppressing the minority vote
    - In some areas with large immigrant populations, voters were told that they had to produce evidence of citizenship in order to vote. In addition, individuals posed as immigration officers and FBI agents lingered near polling areas.



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- **FOCUS ON THE ARAB-AMERICAN COMMUNITY: The Hamtramck, MI Case**
  - In November 1999, two candidates, one with close ties to the Arab-American community, ran for mayor of Hamtramck, MI a community that, until recently, was predominantly Polish. A recent influx of Arab immigrants, however, has altered the demographic composition of Hamtramck
  - A group of anti-Arab citizens formed an organization called “Citizens for Better Hamtramck” that registered individuals to serve as challengers at polling stations for the mayoral election.
  - These individuals challenged the citizenship of voters who “looked” Arab or who had distinctly Arab or Muslim names.
    - Voters were pulled out of voting lines before even submitting their names or any other identifying information. No white voters were challenged or asked to take an oath. Some were asked to take citizenship oaths, despite the fact that they were able to produce United States passports as proof of citizenship.
  - The Arab-American vote was significantly reduced as a result of this public humiliation and intimidation.

#### **THE NOVEMBER 2004 ELECTIONS:**

- This year, Arab Americans may be specifically targeted.
- The top risks facing Arab-American voters in 2004 are:
  1. Organized harassment
    - If you are singled out and asked to take a citizenship oath before voting, recognize that this race-based practice violates federal voting laws. While poll workers may ask you questions to verify your identity, these questions should generally be limited to asking for your name and ID. Poll workers should not ask you anything about your citizenship, finances, criminal history, party affiliation, choice of candidates, age, or job status. Their questions should only include things that will help them find your name on the voter roll and make sure you're at the correct polling location.
  2. Discriminatory administration of ID requirements
    - If you are a first-time voter or you registered to vote by mail, you may be asked to show ID at the polls. Proper identification under the Help America Vote Act of 2002 (HAVA) consists of (1) current and valid photo ID; or (2) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows your name and address.
    - If you do not have the proper ID, you should be given a provisional ballot, which allows you to vote while your eligibility is under review. Each state is required to have a system in place to notify voters whether their provisional votes were counted.

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3. Lack of accessibility to translators or translated ballots
  - The Voting Rights Act of 1965 mandates that all Americans over the age of 18 have the right to vote regardless of race, sex, or ethnicity. Still, not all polling sites will have ballots in Arabic. Check your state's law on how non-English speakers vote in their language. If you or a person you know needs a bilingual ballot, contact your Supervisor of Elections as soon as possible *before* Election Day to get a copy of the ballot in the appropriate language. In most states, a person who needs a ballot in another language can also bring a relative or friend to the polls to translate the ballot for them. Check your state law on "assistance at the polls" to learn how to get help casting your ballot.
4. Early closure of polling stations
  - Polls should be open from 7:00 a.m. to 7:00 p.m. You have the right to vote if you are at the polling site by 7:00 p.m. The polls should not close until everyone who was in line by 7:00 p.m. has voted.

### **PROTECTION – What Federal Laws Protect Me From Discrimination in Voting?**

- The Voting Rights Act of 1965 (VRA) protects every American against racial discrimination in voting. It also protects citizens with limited English-language skills.
- The VRA stands for the principle that every American's vote is equal and that neither race nor language should be a barrier to contributing to the political process.
- The Help America Vote Act of 2002 (HAVA) establishes election standards that must be followed by every state and authorizes federal funding to help states meet those standards. Among other things, HAVA requires that states:
  - (1) Give voters an opportunity to check for and correct ballot errors in private;
  - (2) Ensure that at least one voting machine per precinct is accessible to the disabled; and
  - (3) Provide provisional ballots to ensure that no person is denied the opportunity to vote while his/her eligibility is under review.

### **PREVENTION - Know your State's Voting Requirements:**

- Know your rights under the VRA & HAVA
- **Voice your concerns and report any acts of discrimination. If you are turned away at the polls or experience any intimidation or harassment, report it immediately to 1-866-OUR-VOTE.**
- Educate yourself as to the rules and regulations of your state's voting requirements.
  - Know what precinct you are registered in. Some states will throw out ballots if they are cast in the wrong precinct and voters are often not informed that they are in the wrong precinct.



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- Each state has its own set of regulations on voter registration and casting a ballot. Access your state's requirements at <http://usgovinfo.about.com/blvrystate.htm>
- Be proactive. Become an Election Protection Volunteer in your area. For more information on volunteering, go to <http://www.electionprotection.org/>

#### **WHERE TO GET HELP:**

- An Election Day hotline (1-866-OUR VOTE) will offer immediate, legal assistance to voters during the early voting period and on Election Day.
- If you believe you have been discriminated against in voting or denied assistance in casting your ballot, contact the Voting Section of the U.S. Department of Justice's Civil Rights Division at 1-800-253-3931 (voice) or (202) 353-3921 (TDD). You can also write to: United States Department of Justice, Civil Rights Division, 950 Pennsylvania Avenue, N.W., Voting Section – NWB Room 7254, Washington, D.C. 20530
- Contact the American-Arab Anti-Discrimination Committee: [legal@adc.org](mailto:legal@adc.org) or (202) 244-2990

#### **OTHER HELPFUL RESOURCES:**

Frequently Asked Questions about the Voting Rights Act of 1965:

<http://www.usdoj.gov/crt/voting/misc/faq.htm>