



Yup'ik-Speaking Voters Ask Court for Effective Language Assistance

NARF and ACLU Cite Widespread Violations of Court Order

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ANCHORAGE — Four Alaska Natives and four tribal governments represented by the Native American Rights Fund (NARF) and the American Civil Liberties Union of Alaska asked a federal Judge for additional relief under a court order that required the state of Alaska to protect their voting rights. The request includes detailed, sworn statements from 38 poll workers, voters and tribal council members from 17 villages in the Bethel region that provide first-hand descriptions of the state's widespread violations of the order.

In July 2008, U.S. District Judge Timothy Burgess issued a landmark order that protects Yup'ik-speaking voters in the Bethel region of Alaska by requiring that the state provide relief including: trained poll workers bilingual in English and Yup'ik; pre-election publicity in Yup'ik; sample ballots in written Yup'ik; a written Yup'ik glossary of election terms; consultation with local tribes to ensure the accuracy of Yup'ik translations; a Yup'ik language coordinator; and pre-election and post-election reports to the Court about efforts to provide the ordered relief. The State of Alaska is required to comply with the order under penalty of contempt.

Alaska has created audio and written Yup'ik materials that are incomplete and poorly translated. In most villages, state election officials have prevented poll workers, translators, voters or others who want to help Yup'ik voters from using any translated materials. Where language assistance is offered, it is through inadequately trained poll workers providing on-the-spot translations for complicated ballot questions.

“After three elections, including an historic one that elected our new President, the state of Alaska has shown little progress towards making the democratic process accessible for Yup'ik voters,” said NARF attorney Natalie Landreth, who is lead co-counsel in the case. Landreth cited the absence of special needs voting, describing complaints that “without written Yup'ik

materials, hearing-impaired Yup'ik voters have no way to receive help reading English ballots that are incomprehensible to them.” According to Landreth, “Yup'ik voters were elated when they won a hard-fought victory by securing the injunction last summer, only to be bitterly disappointed by state-run elections in 2008 that differed little from past English-only elections.”

According to the state's records, roughly half of all poll workers received mandatory training for the general election. The state did not train poll workers how to translate the ballot or to provide effective help to Yup'ik-speaking voters. Translators were missing altogether from several voting precincts. Many translators the state identified for particular polling places were not bilingual in English and Yup'ik, did not want to serve as a translator, did not work at all, or left early. Several translators asked for help in Yup'ik themselves to understand English materials. In nearly every location, voters were not given the option of obtaining assistance in Yup'ik from the person of their choice.

James Tucker, co-counsel at NARF, noted, “Many of the problems arose from what Judge Burgess described as the state's ‘relatively new and untested’ Yup'ik language program, part of which it started to implement shortly before the court issued the injunction. The state's efforts are disappointing. While no one expected the state to fix over three decades of neglect of Yup'ik voters overnight, state election officials have not yet stepped up to the plate to demonstrate a real commitment to change. The state does not consult with tribal leaders about translations to ensure that Yup'ik voters understand them. Meaningful outreach cannot be done over the telephone or through English mailings to Yup'ik villages with hundreds of voters who have never seen a state election official.”

The state's translations of ballot questions illustrate the result of the state's lack of consultation. Translations were unintelligible and used what expert Yup'ik linguist Marie Meade described as a “jumbled” word order. The state's translation for the predator control initiative used a word “takukaq” which means “brown bear” in one dialect but “seal” in the coastal dialect; therefore, voters on the coast (a predominately Yup'ik-speaking area) read a ballot that indicated seals would be shot because they had been consuming too many moose calves and were depleting the population – a nonsensical prospect. The state's translation of the gaming initiative used the word for “playing with toys” rather than the word for games of chance; this bizarre word choice led voters to think that playing with toys would now be regulated by a special commission. The state's translation of another ballot measure required Yup'ik voters to cast a vote on “the second one that will be used they don't want to happen, those who are pulling up metal from below the land, digging, not to let them, what they have dug up the remnants of stuff that is not good.”

Jason Brandeis, a staff attorney at the ACLU of Alaska, also expressed disappointment in the state's failure to comply with the injunction. “The intent of the Court's injunction is clear. It is to provide help to Yup'ik voters that they can understand. Translating ‘absentee voting’ as ‘the gone machine’ doesn't achieve that.” Brandeis also pointed out that the state's Yup'ik publicity was lacking. “The state used a radio station that reaches only about half of the villages in the Bethel region. Those Yup'ik voters who received the signal complained that the state's announcements provided little of the information they needed to register and vote.”

Alaska is one of just five states covered in its entirety by the language assistance provisions of the Voting Rights Act. Those provisions, sections 4(f)(4) and 203, apply to areas that meet certain threshold requirements for numbers of citizens with limited English proficiency. Section 208 has nationwide applicability and gives “any voter who requires assistance to vote by reason of blindness, disability, or inability to read or write” a right to receive “assistance by a person of the voter’s choice.” The temporary provisions of the Voting Rights Act, including sections 4(f)(4) and 203, were reauthorized by Congress in 2006 for an additional 25 years.

Defendants in the lawsuit include Lt. Governor Sean Parnell, Division of Elections Director Gail Fenumiai, Regional Elections Supervisors Becka Baker and Michelle Speegle, and Bethel Municipal Clerk Lori Strickler.

Attorneys for the Alaska Natives are Landreth and Tucker of NARF, Brandeis of the ACLU of Alaska, and the national ACLU Voting Rights Project.