



March 2, 2020

Mr. Dean Logan
Los Angeles County Registrar-Recorder/County Clerk
12400 Imperial Highway
Norwalk, CA 90650

RE: Erroneous Korean sample ballots (CD10)/ Incomplete absentee ballots instructions in Korean for the March 3, 2020 Primary Election

Dear Mr. Logan:

Korean American voters in City Council District 10, received erroneous sample ballots for the March 2020 Primary Elections, as well as incomplete instructions written in Korean in the instructions for absentee ballots. Voting in a fair and transparent election represents the underpinnings of our democracy. Recent irregularities regarding the ballots and instructions for voting in the upcoming race for Council District 10 (CD10) threaten the very fundamental principles in our democracy. On behalf of a coalition comprised of over 2,000 members, partner organizations, and supporters, the Korean American Coalition (KAC) and I urge you to take swift action to resolve these issues.

First, there are irregularities connected with sample ballots for the CD10 race generating voter confusion. KAC has fielded calls from community members who were concerned they could not find their CD10 candidates on their sample ballot. Instead, the ballot contained candidates running for a completely different district - Council District 4 (CD4). Any voter confusion causes voter suppression when ballots have incorrect information. KAC contacted your staff, who informed us that incorrect sample ballots were sent to 1,098 voters, due to a “vendor error” that input the wrong code on the “jacket” of each sample ballot. In local elections, races are often won by slim margins; an “error” affecting over 1,000 voters is extremely significant enough to alter an election outcome. While Registrar staff have also informed us that corrected sample ballots were reprinted and sent out last week, many of our voters have not received the corrected replacements as of yet.

Next, the affected absentee ballots include an insert with incomplete instructions in Korean that may result in many legitimate ballots being rejected. In order for absentee ballots to be counted,



it is our understanding that the voter must include their address on the outside of their return envelopes within the red box. Those instructions are correctly included in the English language instructions. However, that information was *excluded* in the Korean language instructions. Again, we have received numerous calls regarding this omission. We anticipate a real and high likelihood that some voters may have submitted their absentee ballots without including their addresses, due to the County's failure. With the new changes in vote machines, an increased number of Korean voters have opted for absentee ballots for the first time and may have submitted their ballots incorrectly due to the omission of instructions in Korean.

Every vote must count. Regardless of its form or its intent, this "error" is a form of voter suppression which is relentlessly effective to prevent eligible voters from contributing in the electoral process. Thus, KAC demands the Registrar thoroughly investigate the causes that led to these errors, and propose remedies to disenfranchised voters.

As you know, in 1975, the Voting Rights Act was amended (Section 203) to allow absentee ballots and other election materials, including sample ballots, to be provided in minority languages where there are more than 10,000 or over 5% in a single political subdivision such as a county. Section 203 was established to allow more citizens to be informed voters when they participate in our democracy by reducing language barriers in the voting process.

However, the affected sample ballots issued by the County for this election fails to comply with Section 203, and fails to protect the federally protected voting rights of Korean American voters. Moreover, should the erroneous sample ballots result in discriminatory vote dilution, the County may even open itself up to legal action.

We are particularly concerned that County-caused voting-related issues have impacted the Korean American community more than once. For example, during the March 2017 special elections, 777 erroneous, mislabeled sample ballots were mailed only to Korean-language voters. We worked with your office and hoped that such vendor related errors would not be at issue in the future. However, the present issue reflects otherwise.

KAC brought these issues to the attention of the County on Friday, February 28, 2020 by contacting your office staff. With the Primary Election one day away, it is deeply disconcerting to learn that Korean-American voters still lack access to critical voter information protected under federal law. Historically, Asian Americans and Pacific Islanders have been disenfranchised by discriminatory laws that denied them citizenship and, in turn, the right to vote. It was only in 1943 through the Magnuson Act, which repealed the Chinese Exclusion Act,



that Chinese Americans were granted the right to vote. For Korean Americans and other Asian Americans, the right to vote did not come until 1952. That was decades ago; 2020 is not the time for the County to compound - even if inadvertently - actions that depress voter turnout.

To that end, we respectfully ask you to:

- Provide a detailed timeline and explanation from the County and vendor on how the erroneous sample ballots were printed and mailed to only Korean-American voters.
- Hold the County employee(s) responsible for communications with the vendor accountable.
- Provide a detailed explanation on how the County staff failed to notice the mistake, given its impact on potentially thousands of Korean-American voters, and follow-up with an action plan on how to prevent this from occurring to Korean-American voters and other minority voters in the future.
- Extend the voting deadline for voters impacted by misprinted sample ballots.
- Immediately provide 24 hour Korean language speaking personnel to assist with the hotline.
- Be available and respond to affected voters in a timely manner.
- Allow the Korean American Coalition-Los Angeles to act as the County's community partner to assist potentially impacted Korean-American voters.
- Fund and provide a Korean language public education campaign leading up to the election on radio/TV/newspapers, which includes: Radio Korea, Radio Seoul, Woori Radio, YTN, Korea Times, Korea Daily, LA18, SBS, KBS, MBC, and RKTv.
- In the future, Korean sample ballots should be distributed on the same timeline with the release of English sample ballots. This year, Korean sample ballots are received barely a week before the elections- insufficient time to fill out ballots.

Taking measurable actions to help mitigate the aggravated situation will demonstrate to Korean-American voters that the LA County Registrar's Office (1) understands the importance of voting to every member of our County, and (2) understands that these mistakes - impacting over 1,000 voters - impedes limited English proficient voters from exercising their fundamental right to vote. A [2016 report](#) found that 84% of Korean Americans, 50 years old and up, in LA County are limited English proficient.

At a time when many Korean Americans are fearful of the current administration's positions on immigration, health care, affordable housing, and more, it is essential that Korean-American voters fully exercise their right to vote—without obstruction—for candidates and measures for


 **한미연합회**
KOREAN AMERICAN COALITION
Los Angeles
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whom and which they believe will best represent one of the largest Korean American diasporas at our nation's capital, at the state, county and local levels of government. This is a right afforded to every U.S. citizen including Korean Americans.

Our call for immediate action reverberates in our community: joining KAC are the Anti Defamation League Los Angeles (ADL), Asian Pacific Planning Policy & Council (A3PCON), and the Center for Asian Americans United for Self Empowerment (CAUSE).

We hope you will use the remaining time before the primary election, and after, to truly regain the trust of the thousands of impacted Korean-American voters in Los Angeles County who simply want to exercise their most fundamental right: the right to vote.

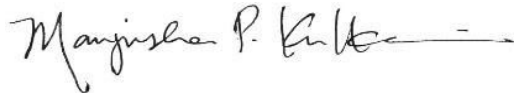
Sincerely,



Eunice Hur Song, Esq.
Executive Director
Korean American Coalition-Los Angeles



Amanda Susskind
Regional Director
Anti Defamation League



Manju Kulkarni
Executive Director



Charlie Woo
Board Chair





cc: Kathryn Barger, Chairman of the Board, Supervisor, Fifth District
Hilda L. Solis, Supervisor, First District
Mark Ridley-Thomas, Supervisor, Second District
Sheila Kuehl, Supervisor, Third District
Janice Hahn, Supervisor, Fourth District
Sachi A. Hamai, Chief Executive Officer