



ASIAN AMERICAN LEGAL DEFENSE AND EDUCATION FUND

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July 2, 2013

Shelley R. Smith, City Solicitor
Robert Aversa, Deputy City Solicitor
Philadelphia Law Department
1515 Arch Street, 17th Floor
Philadelphia, PA 19102

RE: Observations of Primary Elections in Philadelphia on May 21, 2013

Dear Ms. Smith and Mr. Aversa:

We are writing to highlight the Asian American Legal Defense and Education Fund's (AALDEF) findings from monitoring the Primary Elections in Philadelphia City on May 21, 2013 for compliance with the federal Voting Rights Act (VRA), Help America Vote Act (HAVA), settlement in *United States v. Philadelphia* (2006), and to document barriers encountered by Asian American voters.

AALDEF is a non-partisan civil rights organization that protects and promotes the voting rights of Asian Americans. On Election Day, we observed poll sites in Chinatown, South Philadelphia, Olney and North Philadelphia. We are writing to report our findings, as required in our authorization to conduct these activities.

The most common issues were missing signs, missing blue cards (Language Line), no Asian language interpreters, and no cell phones provided in the Judge of Elections' boxes. None of the poll sites that we observed displayed the blue Language Line card or provided cell phones to the judges of elections, only one poll site had an Asian language interpreter and at least four of the poll sites did not display the Voters' Bill of Rights poster.

We observed fourteen (14) polls sites.

Poll Site:	Address:	Ward/Division:	Language/Interpreter:
Thomas Jefferson Alumni Hall	1020 Locust Street	5/6, 12	Mandarin/Cantonese
Chinese Christian Church & Center	225 North 10th Street	5/13, 24	Mandarin/Cantonese
St. George Greek Orthodox Church	256 8th Street	5/5	Mandarin/Cantonese
Santore Southwark Library	928 South 7th Street	2/11	Vietnamese
St. Maron's Church	1013 Ellsworth Street	2/10	Mandarin/Cantonese
South Philadelphia Branch Library	1700 South Broad Street	36/29; 48/20	Vietnamese

South Philadelphia High School	2101 South Broad Street	39/35	Vietnamese
Taggart School	4th Street and Porter	39/17	Vietnamese
Chi Movement Arts Center	1316 South 9th Street	1/10	Mandarin/Cantonese
Roche Post American Legion	64th Street and Paschall	40/10, 19, 20	Vietnamese
Olney High School	Front Street and Duncannon Street	42/12, 16	Khmer
Lowell School	Fifth Street and Nedro Avenue	61/2, 3, 4, 7, 8	Khmer
St. Helena's School	400 West Spencer Street	61/17, 18	Korean
Phillip Murray House	6300 Old York Road	17/3, 4, 12	Korean

Overall, we found that the 2013 Primary Elections proceeded, for the most part, free of any major incidents. We observed very few voters, or none at all at some poll sites.

The ability of limited English proficient (LEP) voters to effectively participate in the electoral franchise, particularly LEP voters from the Asian American community, has been a concern for us in past elections. The City of Philadelphia has provided fewer Asian language interpreters in each successive election, resulting in only four Asian language interpreters provided for the general election in 2012.

On May 13, 2013 AALDEF met with Philadelphia Elections officials, including, Robert Aversa, Fred Voigt, Timothy Dowling and Al Schmidt to discuss the issue of language assistance for LEP Asian American voters in Philadelphia. We were informed that unless AALDEF and other Asian American community based organizations provided interpreters to the Commissioner's office, none would be provided. Further, we were assured that all poll sites would be supplied with a blue instruction card, explaining how to use the Telephone Interpreter Service (a/k/a "Language Line"), so that LEP Asian American voters that did not have access to an interpreter could receive language assistance by following the instructions provided on the blue Language Line card. As detailed below, none of the fourteen poll sites we observed displayed the blue Language Line card and none of the judges of elections at the observed poll sites were familiar with how to use Language Line.

South Philadelphia Branch Library:

There was no "Vote Here" sign posted outside this poll site, nor at any of the poll sites that we observed. It appears that a pink sample ballot was displayed outside the poll site to indicate that the building was a poll site. The judge of elections was polite and asked whether all of the required posters were displayed. I inquired about the blue Language Line card. After locating the blue card, the judge noticed that the card was double-sided and did not know which side to display. One side was in English, which he characterized as "American" and the other side had in-language translation. The judge only had one copy of the blue card and decided to display the English side. The judge was not provided with a cell phone. Although we did not observe any

LEP voters, it is likely that a LEP voter would likely not receive adequate language assistance at this poll site. We recommend that poll sites with a large number of LEP voters be provided with interpreters in the needed languages, and that all judge of elections be trained on how to use Language Line to assist LEP voters who do not have access to an interpreter.

Phillip Murray House:

Poll workers informed us that there are many LEP Korean American voters that reside in the building and vote at this poll site. There is usually a Korean interpreter available to assist the voters, however, there was no interpreter provided for this election which caused some voters to be turned away, and caused long delays for all voters. There was no blue Language Line card displayed and we were informed that poll workers were unfamiliar on how to utilize the service. Again, we recommend that poll sites with a large number of LEP voters be provided with interpreters in the needed languages, and that all judge of elections be trained on how to use Language Line to assist LEP voters who do not have access to an interpreter.

St. George Greek Orthodox Church:

The entrance to the poll site was on the side of the church, behind a gate, inside the parking lot. There were no signs outside on the gate indicating that it was a poll site or how to enter the poll site. Voters had to approach the door in order to see a sample ballot on the door. Poll workers informed us that they usually receive some LEP Chinese American and Vietnamese American voters from the 850 Locust Street Senior Center. There were no interpreter for the Mandarin and Vietnamese-speaking voters in the area this time. Although there was very low voter turnout, interpreters should be available for future elections. Poll sites should also be clearly identified for voters. Certain voters, including elderly, LEP or first time voters may not be able to locate poll sites that are not easily accessible or identifiable.

Santore Southwark Library:

The judge of elections, Michael Crumbly, informed us that the Vietnamese interpreter usually assists many LEP Vietnamese American voters. The Vietnamese interpreter was not present at the poll site for the election. No blue Language Line card was displayed and no cell phone was provided to the judge of elections.

St. Maron's Church:

The interpreter that usually assists LEP Chinese American voters was not present because he had to work. No blue sheet was displayed and no cell phone was provided to the judge of elections. No Voters' Bill of Rights poster was displayed either.

Thomas Jefferson Alumni Hall:

We observed at least thirty LEP Chinese American voters who were assisted by the interpreter, Allan Wong. The poll workers informed us that Mr. Wong was very active and was essential for the LEP Chinese American voters. Kim Balaschak, Democratic Committee Representative for

the 12th Division recommended that election materials be translated into Chinese for this poll site and that more than one interpreter be assigned to this poll site for busier elections.

South Philadelphia High School:

There was no Voters' Bill of Rights or Voting Instructions poster posted at this poll site. The voting area was on a stage surrounded by curtains, making it difficult to display the required posters. All posters required to be displayed should be available to voters, to assist them in the voting process.


The Taggart School and Roche Post American Legion poll sites were both missing the Voters' Bill of Rights poster. All of the poll sites were missing blue Language Line cards and none of the judges of elections were provided cell phones. Chi-Ser Tran from AALDEF, called the city solicitor's office to inform the office that no cell phones were provided to the judges. Ms. Tran was informed by the office that the judges most likely had their own personal cell phones and that this was a non-issue.

We are disappointed by the lack of Asian language interpreters provided by the city and the lack of awareness by the judges of elections of the need to display the blue Language Line card and their ignorance on how to use this service. We were assured at the May 13, 2013 meeting that blue Language Line cards would be available to voters and that all judges of elections would be provided with a cell phone to facilitate the use of this service. Our observations from this election cause us concern that LEP Asian American voters may not be able to participate in the electoral franchise because of a lack of effective language assistance.

We recommend that all required posters be displayed outside and inside poll sites, in accordance with HAVA, and more comprehensive efforts to ensure that the City follows through with its representations to the court in *United States v. Philadelphia* (2006). Moreover, we advise the City Commissioners to provide appropriate interpreters in the poll sites that demonstrate the need for language assistance.

On May 21, 2013, Philadelphia's Asian American community faced a number of barriers in exercising their right to vote. Since this community continues to grow rapidly, we look forward to working with you to remedy these problems. We hope you will fully consider the recommendations aforementioned for improvements and to ensure that Philadelphia fully complies with the Voting Rights Act, the Help America Vote Act and the settlement in *United States v. Philadelphia* (2006).

Sincerely,


Jerry G. Vattamala
Staff Attorney