



**ASIAN AMERICAN LEGAL DEFENSE AND EDUCATION FUND**

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February 4, 2013

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Anthony Clark, City Commission Chair  
City of Philadelphia  
City Hall, Room 130  
Philadelphia, PA 19107

Al Schmidt, City Commission Vice-Chair  
City of Philadelphia  
City Hall, Room 134  
Philadelphia, PA 19107

Stephanie Singer, City Commissioner  
City of Philadelphia  
City Hall, Room 132  
Philadelphia, PA 19107

**RE: Observations of General Election in Philadelphia, PA on November 6, 2012**

Dear Ms. Smith and Commissioners Clark, Schmidt, and Singer:

We are writing to report the Asian American Legal Defense and Education Fund's (AALDEF) and Boat People SOS – Delaware Valley's (BPSOS) findings from monitoring the General Election in Philadelphia, PA on November 6, 2012 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 and BPSOS are national nonpartisan organizations that promote and preserve the civil rights of Asian Americans. Our activities on Election Day were strictly limited to conducting a nonpartisan and anonymous exit poll and interviewing individual voters after they voted or were denied the right to vote.

In preparation for the 2012 General Elections, we wrote to you on October 22, 2012, requesting permission and informing you that we intended to conduct exit polls at certain poll sites within your jurisdiction. We are writing to report our findings to you.

On November 6, 2012, we conducted an exit poll at four (4) poll sites in Pennsylvania with large numbers of Asian American voters, namely Philadelphia's Chinatown, Olney, and South Philadelphia. We polled voters at the following sites:

<b>Philadelphia County:</b>	<b>Address:</b>
South Philadelphia Branch Library	1700 S. Broad Street, South Philadelphia
Jefferson Alumni Hall	1020 Locust Street, Chinatown
Chinese Christian Church & Center	225 North 10th Street, Chinatown
Lowell Elementary School	450 West Nedro Avenue, Olney

Overall, we found that the 2012 General Elections proceeded, for the most part, free of any major incidents. However, as we interviewed Asian American voters exiting poll sites, we documented numerous issues, such as voters being turned away, lack of Asian language interpreters, and poll workers failing to abide by proper election procedures. In numerous instances, the lack of language assistance prevented voters from voting on November 6. Below are more detailed observations.

**A. Language Assistance**

We surveyed 193 Asian American voters in Philadelphia in our multilingual, nonpartisan exit poll. The largest Asian ethnic groups in the survey were Chinese (35%), Vietnamese (24%), and Cambodian (12%). Among the voters surveyed in Philadelphia:

- 28% were first-time voters
- 78% were naturalized foreign-born citizens
- 11% identified English as their native language
- 57% were limited English proficient
- 34% preferred voting with the help of either an interpreter or translated materials

Our survey found that many Asian language minority groups had higher rates of limited English proficiency and preferred to use interpreters or translated voting materials in order to vote:

	<b>Limited English Proficient</b>	<b>Language Assistance Preferred</b>
<b>Philadelphia</b>	57%	34%
- <b>Chinese</b>	74%	51%
- <b>Vietnamese</b>	67%	31%
- <b>Korean</b>	56%	33%
- <b>Cambodian</b>	33%	23%

Fourteen (14) voters surveyed said that they needed the assistance of an interpreter, but none were available in their language. These voters were at the following sites:

- 9 voters at South Philadelphia Branch Library, where most of the voters were Vietnamese
- 3 voters at Lowell Elementary School, where most of the voters were Cambodian

- 2 voters at Jefferson Alumni Hall, where most of the voters were Chinese

During a settlement agreement in *United States v. Philadelphia* (2006), the City's counsel made several oral and written representations to the Court demonstrating the promise and good-faith efforts to provide language assistance to Asian American voters in Chinese, Vietnamese, Korean, and Khmer. In prior elections, we complained about similar problems, and we are concerned about the considerable backsliding in the City's fulfillment of this agreement.

In the most recent election, many poll sites did not have sufficient, if any, Asian language interpreters. Prior to Election Day, we communicated this concern with the Election Department staff and learned that only three Asian language interpreters were trained to work on November 6, 2012. We also communicated these concerns with the City Commissioners, who responded that they are under no obligation under *U.S. v. Philadelphia* to provide Asian language assistance.

We observed numerous Asian American voters who experienced difficulty voting on Election Day due to the City's failure to provide interpreters. For example:

- **Long T. Bui** of 1904 S. Bancroft Street registered to vote several months before Election Day but never received any notification in the mail. On Election Day, he went to at least 3 different poll sites to try to cast his vote but was unsuccessful. He did not have a Vietnamese-speaking interpreter to help him find his correct poll site. Mr. Bui was NOT able to vote.
- **Hai Mach** of 1902 S. 18<sup>th</sup> Street went to 3 different poll sites before he was able to vote because he had no help figuring out his correct poll site. Mr. Mach did not have a Vietnamese interpreter.
- **Lanh Thanh Phan** of 1404 Castle Avenue voted by provisional ballot at South Philadelphia Branch Library but experienced difficulty because she did not have an interpreter.
- **Dien Binh Chau** of 1514 Moore Street arrived at the South Philadelphia Branch Library poll site to vote and needed language assistance. Poll workers asked a Vietnamese speaker standing outside the poll site to provide assistance to the voter so that Mr. Chau could vote. Bringing in random, untrained volunteers from the street to serve as interpreters is not appropriate in ensuring the quality of language assistance or the integrity of elections.
- **Samuel E. Yeck** of 911 N. Franklin Street, Apt. 408, reported there were no Chinese- or Spanish-speaking interpreters to assist the Chinese- or Spanish-speaking voters from Ascension Manor, the senior citizens apartment building. Mr. Yeck also suggested that election materials be provided in Chinese to assist the limited English proficient Chinese-speaking voters.

We strongly recommend more diligent and comprehensive efforts to ensure that the City follows through with its representations to the court in *U.S. v. Philadelphia* (2006) so that limited English proficient Asian American voters are not excluded from the democratic process or unduly burdened when trying to vote.

**B. Incomplete Voter Rolls and Provisional Ballots**

The issue of missing or misspelled names is one that particularly impacts Asian American voters, whose names are often inverted; that is, a voter's first name is listed as the last name, and vice versa. In many instances, poll workers turned voters away or told them to register instead of offering them provisional ballots. Our exit poll counted several instances of missing or misspelled names.

In addition, our observers saw several Asian American voters being turned away when their names were not found in the registration rolls, violating HAVA. Specifically:

- **Wei Shong Liu** of 2141 Vista Street was not in the poll books at the Chinese Christian Church poll site. Rather than telling Mr. Liu his correct polling location, poll workers turned him away.
- **Wen Lei Zhao** was not in the poll books at the Chinese Christian Church poll site, where she voted in the past. Instead of giving Ms. Zhao a new polling location, the poll worker sent Ms. Zhao away with a voter registration form and directed her to the back of the voting area, where there were three (3) other limited English proficient Mandarin-speaking voters who also did not receive language assistance.
- **Kenh Tran** of 1421 Morris Street was missing from the voter rolls at the South Philadelphia Branch Library poll site. The voter was not offered a provisional ballot.

We received a busy signal every time we called the Philadelphia County Board of Elections hotline or the Philadelphia City Commissioners' numbers to report an issue. Furthermore, the online poll site locator was down, so our volunteers could not even help voters look up their correct poll sites.

There were also several voters whose names were missing from the poll books, but they were able to vote by provisional ballot:

- **Lanh Thanh Phan** of 1404 Castle Avenue was not in the poll books at the South Philadelphia Branch Library poll site.
- **Phuong M. Luu** of 1714 S. 15<sup>th</sup> St. was not in the poll books at the South Philadelphia Branch Library poll site.
- **Danny Tum** of 601 Dickinson Street was not in the poll books at the South Philadelphia Branch Library poll site.
- **Chim Thi Le** of 2021 S. Bouvier Street was not in the poll books at the Guerin Recreation Center at 16<sup>th</sup> & Jackson Streets.

We commend the poll workers for knowing and abiding by proper election procedures as required by federal law.

Poll workers should be trained to call the County or Voter Registration office to confirm that a voter is at the correct poll site. If a voter is assigned to vote a different poll site, the poll worker should be trained to help the voter determine their correct polling location rather than completely

denying them the opportunity to vote. Furthermore, we urge the Board to ensure that these voters are listed in the poll books in the next election for which they are eligible to vote.

As you may know, HAVA requires that poll workers administer provisional ballots to voters who may not vote on the voting machine due to some discrepancies in their registration. We observed that some poll workers in Philadelphia did not provide voters with the option of voting by provisional ballots when they were eligible. Instead, poll workers turned away voters and told them to register for the next election. Our volunteers had to inform voters about their right to vote by provisional ballot.

We documented instances of provisional ballots not being given when poll workers did not find the names of the voters in the registration. AALDEF pointed out this issue in previous elections but it has not been rectified to date. For instance:

Poll worker trainings should emphasize proper election procedures when a voter's name is missing from the poll books so that voters are not denied the opportunity to vote.

### **C. Poll Workers Failing to Abide by Proper Election Procedures**

#### **a. Careless Poll Workers**

We received numerous reports of poll workers who were careless in their roles. Four (4) voters complained that poll workers were incompetent, did not know what to do, or misdirected them to the wrong poll site or table. This impacted the voters' experiences.

For example:

- **Hanh Van Hoang** of 1638 S. 15<sup>th</sup> Street was initially directed to vote at the South Philadelphia Branch Library. His name was not on the list and there was no interpreter to assist him. The poll workers at the South Philadelphia Branch Library redirected him to another poll site.

Poll workers should be trained to exercise more care in their roles to avoid disenfranchising eligible voters or discouraging them to vote in future elections.

#### **b. Demands for Identification**

Generally, notwithstanding Act 18 which was partially halted, Pennsylvania law does not require voters to provide identification in order to vote, unless they are voting for the first time at the poll site. According to the results of our survey, 52 respondents were required to show identification, and of them, 26 of them (50%) were not first-time voters and were not required to do so.

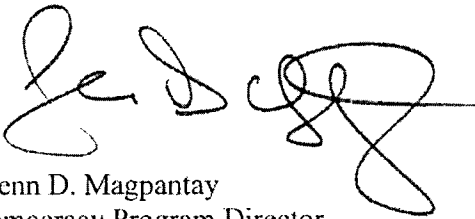
We are concerned that Asian American voters were required to show identification at disproportionately higher rates when compared to other voters. Excessive requests of Asian American voters to present identification before voting have been an issue in past elections, and

may disenfranchise Asian American voters and may also violate the Voting Rights Act. Furthermore, additional Asian American voters would be unduly burdened by the Pennsylvania voter ID law and could potentially have their right to vote denied, despite being duly registered, eligible voters.

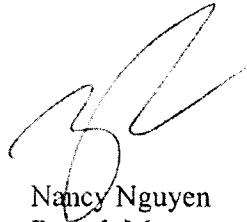
**Conclusion**

On November 6, 2012, Asian American communities in Philadelphia faced a number of barriers in exercising their right to vote. These barriers even caused a number of Asian American voters to be disenfranchised. As this community continues to grow, we look forward to working with you to remedy the aforementioned issues to ensure full compliance with the Voting Rights Act, HAVA, and the settlement in *U.S. v. Philadelphia*. We hope you will fully consider these recommendations for improvements and compliance.

Sincerely,



Glenn D. Magpantay  
Democracy Program Director  
Asian American Legal Defense  
and Education Fund



Nancy Nguyen  
Branch Manager  
Boat People SOS, Inc. – Delaware Valley

cc: Andrew Ross, Chief Deputy City Solicitor, City of Philadelphia  
James P. Leonard, Chief Deputy City Solicitor, City of Philadelphia  
Richard Negrin, Managing Director, City of Philadelphia  
Carol Aichele, Secretary of the Commonwealth of Pennsylvania