

May 16, 2012

Shelley R. Smith, City Solicitor  
Philadelphia Law Department  
1515 Arch Street, 17<sup>th</sup> Floor  
Philadelphia, PA 19102

**RE: Observations of Presidential Primary Elections in Philadelphia on April 24, 2012**

Dear Ms. Smith:

We are writing to report the Asian American Legal Defense and Education Fund's (AALDEF) findings from monitoring the Presidential Primary Elections in the City of Philadelphia on April 24, 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 is a national non-partisan organization that promotes and preserves the civil rights of Asian Americans. As promised in our letter requesting authorization to monitor these poll sites, we are writing to report our findings to you. We conducted poll monitoring at the following six (6) poll sites on Election Day:

<b>Poll Site:</b>	<b>Address:</b>	<b>Ward/Division:</b>
South Philadelphia High School	2101 South Broad Street	39/35, 39/37
South Philadelphia Library	1700 South Broad Street	36/29, 48/20
Jefferson Alumni Hall	1020 Locust Street	5/6, 5/12
Chinese Christian Church & Center	225 North 10th Street	5/13, 5/24
Olney High School	100 West Duncannon Avenue	42/12, 42/16
Lowell School	450 West Nedro Avenue	61/2, 61/4

Our experiences from poll monitoring the 2012 Philadelphia Primary Elections was generally free of any major incidents, though, at times, our observations were disappointing or frustrating.

Generally, our most significant findings include: the lack of privacy regarding an elderly voter's vote at Jefferson Alumni Hall, missing mandatory signage at several poll sites, and the difficult and delayed monitoring process at Olney High School.

Below are more detailed observations, as documented at the above-mentioned poll sites:

**A. Poll Workers Uninformed about Mandatory Postings and Procedures**

At **South Philadelphia High School**, poll workers were unaware about which materials should have been posted that day. After an AALDEF observer noted missing mandatory signage, a poll worker, Mr. **Ron Romeo**, approached the observer and asked if there were any issues. The observer asked Mr. Romeo if the City of Philadelphia provided the poll workers with any other materials to display besides the sample ballot. Mr. Romeo responded by looking through a box. He discovered some materials, such as the blue “Voter Bills of Rights” poster, asked what needed to be posted, pursuant to HAVA, and immediately posted them. The Judge of Elections, **Barbara Spaventa**, commented that she “saw [the Bill of Rights poster] but didn’t know what it was.” Ms. Spaventa then explained that her poll site staff never had space to post materials before so they were not used to having to post materials.

AALDEF also observed the precincts at **Jefferson Alumni Hall**. When our observer introduced herself to the Judge of Elections **Sheila Robinson**, Ms. Robinson immediately said, “Nobody’s rights are being violated. We respect everyone.” Ms. Robinson continued, “What you *should* be worried about is last year when that translator was changing people’s parties” and that the translator “didn’t work out.” The AALDEF observer informed Ms. Robinson that she was not involved with that matter and was only concerned with monitoring the poll site that day. The observer noticed that the only thing posted inside the precinct was the pink sample ballot, which was taped horizontally onto a long table. The observer asked the poll workers whether they also had the blue “Voter Bill of Rights” poster, and Ms. Robinson searched for it. Ms. Robinson discovered several other documents that were supposed to be displayed and handed one of the documents to the observer to place with the sample ballot. The observer replied that posting materials at the precinct was not her responsibility. Ms. Robinson later asked another poll worker to post the “Voter Bill of Rights” poster onto a table and muttered, “Nobody reads it anyhow.”

AALDEF highly encourages the City of Philadelphia to emphasize during poll worker trainings what materials and procedures are necessary in order to comply with federal, state, and local election laws.

At **Olney High School**, the AALDEF observer was given a difficult time in regards to monitoring the poll site. The Judge of Elections **Gale Williams** requested to see AALDEF’s authorization letter and then stated that the Law Department was not authorized to grant AALDEF such permission. (A poll worker last year at the same location told an AALDEF observer a similar statement). One of the poll workers remarked that a similar situation occurred last year involving an observer from AALDEF and complained that the poll workers were never notified by the Commissioners about AALDEF’s presence. The AALDEF observer informed the poll workers that they could call the number listed on the authorization letter to speak with the City Solicitor and clarify, but the poll workers refused and continued to express their annoyance about not being informed. Ms. Williams said she could not be sure that the letter was even authentic because the form itself was not signed. The observer, however, pointed out that the letter attached *in front* of the form was signed and that it stated that the credential was

“enclosed.” Ms. Williams would not accept the letter and kept the AALDEF observer waiting for fifteen (15) minutes while she attempted to call a ward leader by the name of Tim.

Subsequently, Ms. Williams received permission that the observer could monitor the poll site, but Ms. Williams said that the observer could only sit in the corner and could not ask any questions. The AALDEF observer asked if she could introduce herself to the Judge of Elections at the other precinct first, and one poll worker commented, “I thought she wasn’t allowed to ask any questions.” AALDEF also noted that poll workers were discussing a voter’s information with one another out loud.

We recommend that the Law Department works together with the Commissioners to ensure a smoother line of communication so that these confusions and barriers do not continue to occur.

#### **B. Lack of Language Assistance**

Of the six (6) sites that AALDEF visited on Election Day, only one (1) had an Asian interpreter. This interpreter, who spoke Toisanese, was at the **Chinese Christian Church & Center**. Only **Olney High School** had a Spanish interpreter, but this poll worker informed our observer that she was only paid to be a poll worker this year, not an interpreter.

A Chinese interpreter would have been very helpful at **Jefferson Alumni Hall**, where a limited English proficient elderly voter needed language assistance. Instead, this voter was assisted by the Judge of Elections **Sheila Robinson**, who instructed the voter to select specific candidates. More details follow in the next section of this letter.

In past elections, we complained about insufficient interpreters to meet the City’s agreement to provide language assistance for Asian American voters, and we are concerned that not enough actions have been taken to ensure that the City follows through with its representations to the court in *United States v. Philadelphia* (2006).

#### **C. Lack of Voter Privacy**

At **Jefferson Alumni Hall**, a poll worker by the name of **Willie** was assisting an elderly limited English proficient voter, Mr. **Sheung Chow** of **801 Locust Street**. The poll worker asked for Judge of Elections **Sheila Robinson**’s assistance because it appeared that the voting machine had stopped functioning. Ms. Robinson arrived at the machine, and, after a few attempts, the machine seemed to properly function again. At this time, AALDEF noted that Ms. Robinson and the poll worker continued to hold the machine’s curtains wide open, with the voter in between them. The AALDEF observer witnessed lights emitting from the voter’s ballot and overheard Ms. Robinson tell the voter which buttons to push, such as, “These are delegates. We have 11 so you just pick all of them.” After the voter finished voting, the voter explained to our observer that he was mainly concerned with voting for the presidential candidate that day. Mr. Chow told the observer that some of the votes he cast were from the suggestion of the poll workers. After the voter left the poll site, Ms. Robinson reiterated that no one’s rights were being violated and that the poll workers “respect everyone equally.”

The way in which the poll workers assisted Mr. Chow was a violation of his privacy as a voter. We recommend that the City emphasizes during trainings that this kind of behavior is inappropriate at the voting booth.

**D. Lack of Directional Signage**

Only one (1) out of the six (6) poll sites AALDEF visited had a “Vote Here” sign to direct voters into the polling place, required under HAVA. Each poll site posted a giant pink sample ballot in English and Spanish. Furthermore, there were also no signs indicating that interpreters were available at any of the sites.

AALDEF observed that **Jefferson Alumni Hall** was the only poll site visited that day that had a “Vote Here” sign. South Philadelphia High School did not have a “Vote Here” sign but had a mat on the floor at the entrance that said “Vote Here.”

We believe that on April 24, 2012, Philadelphia’s Asian American community faced a number of barriers in exercising their right to vote. As this community continues to grow, we look forward to working with you to remedy the aforementioned issues to ensure that Philadelphia fully complies with the federal Voting Rights Act (VRA), Help America Vote Act (HAVA), and the settlement in *United States v. Philadelphia* (2006). We look forward to working more closely with the City of Philadelphia to improve access to voting for Asian Americans, and eventually, everyone.

Sincerely,

Glenn D. Magpantay, Esq.  
Director, Democracy Program

Chi-Ser Tran  
Voting Rights Organizer

cc: Philadelphia City Commissioners  
Andrew Ross, Chief Deputy City Solicitor  
James P. Leonard, Chief Deputy City Solicitor