



ASIAN AMERICAN LEGAL DEFENSE AND EDUCATION FUND

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December 13, 2010

Shelley R. Smith, City Solicitor
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Philadelphia Law Department
1515 Arch Street, 17th Floor
Philadelphia, PA 19107

Re: Observations of General Elections in Philadelphia on November 2, 2010

Dear Elections Officials:

We are writing to highlight the Asian American Legal Defense and Education Fund's (AALDEF) findings from monitoring the General Elections in Philadelphia City on November 2, 2010 for compliance with the federal Voting Rights Act (VRA), Help America Vote Act (HAVA), settlement in *United States v. Philadelphia* (2006), and other barriers encountered by Asian American voters.

AALDEF is a nonpartisan civil rights organization that protects and promotes the voting rights of Asian Americans. On Election Day, we conducted a nonpartisan and anonymous exit poll of Asian American voters. We are writing to report our findings, as required in our authorization to conduct these activities. We polled voters at three (3) sites.

Poll Site:	Address:	Ward/Division:
Chinese Christian Church	255 N. 10th St., Chinatown, PA	5/24
Benjamin Franklin House	834 Chestnut St., Chinatown, PA	5/12
Lowell School	450 W Nedro Ave, Philadelphia, PA	61/3

Overall, we found that the 2010 General Elections proceeded, for the most part, free of any major incidents. However, as we interviewed Asian American voters exiting poll sites, we documented a few problems that voters encountered while trying to vote. The most significant problems are reviewed herein.

A. Poll Workers

The majority of the poll workers maintained a knowledgeable attitude when working with voters. However, on Election Day, some voters still complained that the poll workers were rude and hostile. Four (4) voters complained that poll workers significantly delayed them from voting, were rude, and made racist comments.

At **Lowell School**, when **Lawh Hea**, of 5825 North Fourth Street, Philadelphia, tried to vote and was not provided a Khmer interpreter, poll worker Melanie Hummel made a racist comment mocking the voter saying "I'm Korean and my name is Sang Lee

(laughter),” when she had previously identified herself as “Melanie Hummel.” Poll Worker Hummel further made comments about how every Asian name being the same.

Madhavan V. Pillai, of 1-05 200 W. Washington Square, Philadelphia, voting at the **Benjamin Franklin House** noted while asking for a provisional ballot, an older Caucasian poll worker who wore glasses made comments such as “Your vote won’t be counted” and “We don’t want to answer your questions.” Mr. Pillai mentioned that he feels discouraged and dissuaded from voting again because of this experience.

We are concerned by these incidents because these behaviors limit and deter voters from participating in their political franchise. Such comments create a hostile environment for voters.

B. Language Assistance

Our exit poll surveyed a total of 96 voters. The largest Asian ethnic groups surveyed were:

- Chinese (66%)
- Asian Indian (12%)
- Vietnamese (10%)

Among the voters surveyed:

- 66% were naturalized, foreign-born citizens
- 10% were first-time voters

Our survey found that Chinese and Vietnamese voters had higher rates of limited English proficiency and preferred to use interpreters or translated voting materials in order to vote:

	Limited English Proficient	Language Assistance Preferred
Of all voters surveyed in Philadelphia	43%	25%
- Chinese	48%	18%
- Vietnamese	56%	33%

We commend your office’s hard work in recruiting interpreters, but such efforts have not been entirely successful. Pursuant to *United States v. Philadelphia* (2006), the City of Philadelphia agreed to voluntarily provide interpreters in various Asian languages, and we commend your efforts in doing so. However, our observers found that neither Khmer nor Vietnamese language assistance was readily available at the **Lowell School** poll site.

Lawh Hea, a Khmer speaker, voting at **Lowell School** reported that she did not receive any language assistance. She does not read and barely speaks English. There was no Khmer interpreter to help her. When the voter asked for a Khmer interpreter, a poll worker sarcastically asked if anyone spoke “Cambodian.”

We recommend more comprehensive efforts to ensure 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, such as at Lowell School.

C. HAVA Compliance: Provisional Ballots

As you may know, HAVA requires that poll workers administer provisional ballots to voters who may not vote on the voting machine due to a discrepancy in their registration. However, we documented incidents where poll workers did not provide voters with the option to vote by provisional ballot despite the fact that voters had voted at the same poll site previously. These voters were turned away and told to register for the next election. For other voters, even when poll workers provided them with provisional ballots, they only did so after deliberately delaying the voters. These have been recurring problems but they have not been rectified to date. Specific complaints include:

Margaret Hung, of 801 Locust Street, Philadelphia, voting at **Benjamin Franklin House** where she had voted previously, was not on the rolls and was not given a provisional ballot. She was turned away from voting.

Doc Thi Ce, of 5843 N. Lawrence Street, Philadelphia, voting at **Lowell School**, arrived the poll site where she had voted before and the election judge, Charles Craft, refused to give her a ballot and demanded that she re-register. Instead of helping Ms. Thi Ce immediately after she checked in, Mr. Craft made her wait for an hour while helping other voters before providing her with a ballot.

Hin Kwong, of 210 North Tenth Street, Apt 1B, Philadelphia, voting at **Chinese Christian Church**, noted that his name was not on the rolls and that he did not change his residence since the last election. Despite voting in the last election, poll workers did not allow him to vote and refused him a provisional ballot; they turned him away by giving him a registration form. Only until an AALDEF volunteer insisted he receive a provisional ballot was he able to get one. Unfortunately, Mr. Kwong was unsuccessful in casting his provisional ballot and did not vote.

Madhavan V. Pillai, voting at the **Benjamin Franklin House**, noted that poll workers tried to turn him away. Only after Mr. Pillai insisted that he receive a provisional ballot did he get one. Despite having registered at the Department of Motor Vehicles, he was unable to vote by regular ballot. A poll worker told Mr. Pillai “we know what we are doing” and “that’s your opinion” when Mr. Pillai asked for a provisional ballot.

We urge the City Commissioners to ensure that poll workers give provisional ballots to voters when there are discrepancies in voters’ registrations. We hope that poll workers will undergo further training to ensure election procedures are correctly followed and proper administration of provisional ballots.

D. Showing Identification at Poll Site

Generally, 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,

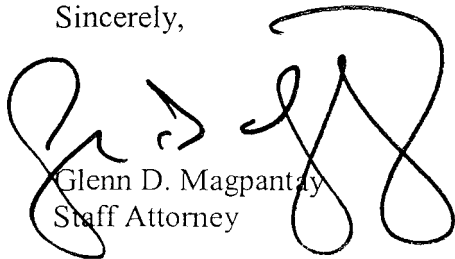
poll workers required eight (8) respondents to show identification, even though the respondents were not first time voters and thus not required to do so. For example,

Cheung Siu Ho, of 210 N 10th St Apt 2C, Philadelphia, was required to show ID at **Chinese Christian Church**, even though Mr. Ho had voted in this location before.

We urge the Commissioners of Elections to ensure that its poll worker training strictly complies with Pennsylvania law. We are concerned that such demands for identification may disenfranchise Asian American voters.

On November 2, 2010, 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,

A handwritten signature in black ink, appearing to read 'Glenn D. Magpantay', written over a printed name and title. The signature is stylized with loops and a large flourish at the end.

CC: Philadelphia City Commissioners