

July 1, 2008

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

**Re: Observations of Presidential Primary Election in Philadelphia, PA
on April 22, 2008**

Dear Solicitor Smith and Assistant Solicitor Ross:

The Asian American Legal Defense and Education Fund (“AALDEF”) hopes to continue working with your office to improve the voting process for all Pennsylvania voters. We are writing to summarize our observations from monitoring the Presidential Primary Election in Philadelphia, PA on April 22, 2008 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. We also worked with Asian and Pacific Islander Vote and Asian Pacific American Labor Alliance on these activities. On Election Day, we conducted a nonpartisan, multilingual, and anonymous exit poll of 131 Asian American voters. We interviewed Asian Americans after they voted about their encounters. We conducted the exit poll at 6 poll sites and inspected at 15 poll sites for compliance with HAVA and the settlement. We requested permission to conduct these activities on April 8, 2008 and we were granted permission by your office on April 18, 2008. We closely followed your requirements. We thank you for your cooperation in this matter.

1. Election Day Activities

On April 22, 2008, AALDEF conducted the exit poll at six (6) poll sites in neighborhoods with concentrated Asian American voter populations: Chinatown, Olney, West Oak Lane, South Philadelphia. Exit polls were conducted at the following sites:

Santore Southwark	7 th St. & Montrose St. (19147)	Ward 2, Division 11
Philip Murray House	6300 Old York Road (19141)	Ward 17, Division 4
Pennsylvania Hospital	800 Spruce Street (19107)	Ward 5, Division 5
Franklin House	834 Chestnut Street (19107)	Ward 5, Division 12
Firehouse	10 th Street & Cherry Street (19107)	Ward 5, Division 13
Lowell Elementary School	450 W. Nedro Avenue (19120)	Ward 61, Division 2,3,4,7,8

AALDEF surveyed 131 Asian American voters in our multilingual, nonpartisan exit poll. Below is a profile of those surveyed:

- 62% were Chinese; 21% Korean; and 12% Southeast Asian

- 18% were first-time voters;
- 18% identified English as their native language;
- 66% were limited English proficient (LEP);
- 46% preferred voting with an interpreter or translated materials;
- 24% indicated it was difficult to vote because the ballot was not translated.

Large numbers of limited English proficient Asian American voters reside in Philadelphia. A significant number of Asian Americans interviewed preferred voting with interpreters or translated materials. With such a need, it is imperative that the Board of Elections provides language assistance to ensure access to the vote.

As we interviewed Asian American voters exiting the poll sites, we documented several problems that voters encountered when trying to exercise their right to vote. These issues are described below.

2. HAVA Compliance: Signage

HAVA requires that poll sites have a “Voter Bill of Rights” sign and instructions on how to vote. A number of Philadelphia poll sites had no or inadequate signs. Similarly, the “Vote Here” signs were missing from three locations. This lack of visible signs and materials are violations of HAVA. Poll workers need better training on mandatory signage.

Poll Site	Address	Ward/ Division	“Vote Here” Sign	Voter Rights	Voting Instructions
Cardinal Dougherty	400 W. Spencer St.	62/28	Yes	Yes	Yes
Catherine Ann School	66th & Regent	40/33	Yes	Yes	Yes
Chinatown Firehouse	10 th & Cherry	5/13	Missing	Missing	Yes
Finletter HS	6100 N. Front St.	61/13	Yes	Yes	Yes
Franklin House	834 Chestnut St.	5/12	Yes	Yes	Yes
Hunting Park Senior Apt.	1717 Hunting Park Ave.	13/18	Yes	Yes	Yes
Lowell School	5 th & Nedro St.	61/4,8,25,18	Yes	Yes	Yes
McCreesh	6900 Greenway Ave.	40/25	Yes	Yes	Yes
Olney HS	100 W. Duncannon Ave.	42/6	Yes	Yes	Yes
Philip Murray House	6300 Old York	17/4	Missing	Yes	Yes
Roche Post American Legion	64 th & Paschall	40/10,29,20	Yes	Yes	Yes
St. Helene’s School	400 W. Spencer St.	61/18	Yes	Missing	Yes
South Philadelphia HS	2101 S. Broad St.	39/35	Missing	Missing	Missing
Taggart School	4 th & Porter	39/17	Yes	Missing	Yes
DiSilvestro Recreational Center	1701 S. 15 th Street	36/29	Yes	Yes	Yes

2. HAVA Compliance: Provisional Ballots

HAVA requires that poll workers administer provisional ballots to voters who may not vote on the voting machine due to some defect in their registration. However, we observed that poll workers at the Chinatown Firehouse did not provide voters with the option of voting by provisional ballots when they were so eligible. In fact, they turned away voters and told to register for the next election. Partisan campaigners had to inform voters about their right to vote by provisional ballot, which then prompted poll workers to provide them. This situation was not rectified until after 5:00 PM. Poll workers need better training on the rules regarding provisional ballots.

3. Asian Language Assistance: Interpreters a Poll Sites

Among Asian American voters surveyed in Philadelphia, 66% were limited English proficient. Voters reported the need for and lack of interpreters at their poll site.

	Limited English Proficient	Interpreter Preferred
Chinese	64 % (51)	29 % (38)
Korean	85 % (23)	12 % (16)
South East Asian	69 % (11)	4 % (6)
All	66 % (85)	46 % (60)

Pursuant to *United States v. Philadelphia* (2006), the City of Philadelphia agreed to voluntarily provide interpreters in various Asian languages. Our observers found that many interpreters were not provided. In addition, we received 16 complaints from Chinese voters, 9 from Korean voters, and 6 for Southeast Asian voters that no interpreters were available: 16 Chinese, 9 Korean, and 6 South East Asian.

The Judge of Elections at DiSilvestro Recreational Center indicated that there was an “increase in Asian voters.” He estimated “about 40 to 50 Vietnamese voters” at his site but no interpreters were present. We underscore the great need for Vietnamese interpreters and that only one site had a Vietnamese interpreter, and that person was only working for half a day. The chart below reviews the availability of interpreters.

Poll Site	Assigned Interpreter & Language	Interpreter Present/Language
Cardinal Dougherty	Vietnamese	None
Catherine Ann School	Vietnamese	None
Chinatown Firehouse	Mandarin/Cantonese	Chinese (2)
Finletter HS	Khmer	None
Franklin House	Mandarin/Cantonese	Chinese (1)
Hunting Park Senior Apt.	Korean	None
Lowell School	Khmer/Vietnamese/Korean	None
McCreesh	Vietnamese	Vietnamese (1), but not for the full day

Olney HS	Khmer	None
Philip Murray House	Korean	Korean (1)
Roche Post American Legion	Vietnamese	None
St. Helene's School	Vietnamese	None
South Philadelphia HS	Vietnamese	None
Taggart School	Vietnamese	None
DiSilvestro Recreational Center	n/a	None

In prior elections, we complained about similar problems and we are concerned that little action has been taken to ameliorate these issues. We complained of the lack of interpreters from the 2004, 2006, and 2007 general elections and 2007 primary election. After the 2007 primary election in particular, out of twelve poll sites observed, half of the interpreters did not show up or had arrived and left. Needless to say, we are disappointed. We recognize the City's hard work in recruiting interpreters, but such efforts have been unsuccessful. We recommend more diligent and comprehensive efforts to ensure the City follows through with its representations to the court in *United States v. Philadelphia* (2006),

4. Asian Language Assistance: Language Line

The City provided a language line in which poll workers could call and get on the spot assistance for limited English proficient voters. However we observed a number of problems with this system.

First, poll workers did not even know it existed and once informed, they did not know how to access the line. This was the case with poll workers at the Lowell School. Even when poll workers did call, the line was overwhelmed and after 4:00 PM all the lines were constantly busy. Some voters left because they could not understand the ballots and were not able to get assistance. Poll workers need better training on the language line.

5. Improper Demands for Identification

Generally, Pennsylvania law does not require voters to provide identification in order to vote, unless are voting for the first time at the poll site. We received 37 complaints from long-time Asian American voters who were required to show identification. We are concerned that Asian American voters were required to show identification at disproportionately higher rates when compared to other voters. Such demands for identification many disenfranchise Asian American voters and may also violate the Voting Rights Act.

6. Ineffective Poll Workers and Long Lines

Asian American voters complained about slow poll workers and extremely long lines. Many of these complaints were from the Chinatown Firehouse. Some voters waited in line for up to four hours. Our poll observers witnessed voters leaving due to frustration. We have also complained about this problem in prior elections and have observed the unreasonably long line at this poll site. Although there are three voting machines, the delay is at the initial check-in table. Moreover, of the four poll workers present at the table, we have complained in the past and

observed again this year that two of the poll workers did all the work and the other two did almost nothing except look on. We urge the cit to ameliorate this situation.

7. Voter Registration Forms at Poll Sites

The National Voter Registration Act require poll sites to have voter registration forms and citizens may always register to vote for the next election at a poll site. Mr. Nguyen Ha went to the Lowell School to register to vote but the poll workers did not know what to do. They also did not know whether any voter registration forms were available. Poll workers need better training on voter registration requirements

8. Conclusion

Philadelphia's Asian American community faced a number of barriers in exercising their right to vote on April 22, 2008. Since this community continues to grow rapidly, we look forward to working with you to remedy these problems. We hope you will fully consider these recommendations for improvements and to ensure that the City of Philadelphia fully complies with the Voting Rights Act and the Help America Vote Act.

If you have any questions, please feel free to contact me at (212) 966-5932 or gmagpantay@aaldef.org.

Sincerely,

Glenn D. Magpantay
Staff Attorney

cc:

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