

# PENNSYLVANIA STATE HEARING

**National Constitution Center  
Philadelphia, Pennsylvania  
February 6, 2014**

## **GUEST COMMISSIONERS**

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Hon. Pedro A. Cortes, former Pennsylvania Secretary of State	J. "Jerry" Whyatt Mondesire, President, Pennsylvania NAACP
Hon. Nelson A. Diaz, former Judge, Philadelphia Court of Common Pleas	Regine Matellus, Senior Vice President and Chief Operations Officer, Urban League of Philadelphia

## **PANELISTS**

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Susan Carty, President, League of Women Voters of Pennsylvania	Robert Meek, Managing Attorney, Disability Rights Network of Pennsylvania
Joe Certaine, former Operations Director, Pennsylvania Voter ID Coalition	Mary Catherine Roper, Senior Staff Attorney, ACLU of Pennsylvania
Jamaal Craig, Civil and Human Rights Technician, United Steelworkers	Marian Schneider, Senior Attorney, Advancement Project
Benjamin Geffen, Staff Attorney, Public Interest Law Center of Philadelphia	Stephanie Singer, Philadelphia City Commissioner
Ellen Kaplan, Vice President and Policy Director, The Committee of Seventy	Ana Sostre-Ramos
Barry Kauffman, Executive Director, Common Cause of Pennsylvania	Chance Toland-Wilson, student, Temple University
	Jerry Vattamala, Staff Attorney, Asian American Legal Defense and Education Fund

## **PUBLIC TESTIMONY**

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Rahat Babar, President, APABA Pennsylvania	Philip PJ Mattiacci
Howard Bilofsky, Vice President of the Board, Pennsylvania Voting Rights Coalition	Charles McGowen, President, Philadelphia Society for the Advancement of the Deaf
Frank Fulton, Manager of Independent Living Services, Liberty Resources, Incorporated.	
Sam Hawk	
Bishop Daniel Laurent, interpreter	

## SUPPORTING ORGANIZATIONS (NOT EXHAUSTIVE)

ACLU of Pennsylvania	Public Interest Law Center of Philadelphia
Advancement Project	Pennsylvania State Chapter of National Action Network
Ballard Spahr LLP	Pennsylvania State Conference of the NAACP
Committee of Seventy	Pennsylvania Voice
Common Cause PA	PennPIRG
Disability Rights Network of Pennsylvania	Schnader, Harrison & Segal LLP
Fox Rothschild LLP	SeniorLAW Center
League of Women Voters of Pennsylvania	The Urban League of Philadelphia
McKeever & Mitchell	United Steelworkers
National Action Network	

## PENNSYLVANIA STATE HEARING HIGHLIGHTS

On February 6, 2014, at a National Commission on Voting Rights public hearing organized by the Lawyers' Committee for Civil Rights Under Law, voters, activists, and voting rights advocates gathered at the National Constitution Center in Philadelphia to share their experiences of the voting challenges they continue to face in Pennsylvania, as well as successes and opportunities for reform in Pennsylvania's elections. Topics included excessively long lines at polling sites in minority communities and voting discrimination under Section 2 of the Voting Rights Act in Latino and Asian communities.



*Public Witness sharing his testimony at the Philadelphia hearing.*

### I. Inadequate Polling Locations for Minority Precincts

Marian Schneider of the Advancement Project testified about problems with the Lower Oxford East precinct in Chester County. In 2008, after experiencing long lines during the presidential primary, local election officials sought to move the polling location of the Lower Oxford East precinct to Lincoln University, a historically black college. Schneider said that the polling location at the time was a small building off-campus with limited parking, and Lincoln University offered its gymnasium as a centrally located site. Nonetheless, Schneider testified that the Chester County Board of Elections voted against moving the polling location and, on Election Day in 2008, voters faced long lines due to the location's lack of space, insuf-

ficient quantities of polling place equipment (necessitated by the small space), every student's vote being challenged, and the failure of the county to provide up-to-date poll books. According to Schneider, "some voters waited 6 to 8 hours to vote. The final voter voted around 11:30 p.m., after the presidential race had been called." Schneider further stated that after the election, voters petitioned to have the polling place moved to Lincoln University and instead the Board of Elections moved it further away; as a result, a lawsuit was filed under Section 2 of the Voting Rights Act. The case, *English v. Chester County*,<sup>1</sup> alleged that African-American students were denied the right to vote by being assigned an inadequate polling place. The case settled, and the polling location was moved to Lincoln University.



From left, Benjamin Geffen, staff attorney with the Public Interest Law Center of Philadelphia; Chance Toland-Wilson, student at Temple University; and Ellen Kaplan, Vice President and Policy Director of the Committee of Seventy testifying at the NVCR hearing in Pennsylvania.

## II. Language Access

Witnesses also testified about language access problems for Spanish-speaking voters and those who speak Asian languages. After a 2006 settlement agreement in *U.S. v. Philadelphia*,<sup>2</sup> the City of Philadelphia agreed to provide interpreters in several Asian languages. Despite the settlement agreement, Jerry Vattamala of the Asian American Legal Defense and Education Fund testified that in subsequent elections the City consistently failed to provide interpreters in several precincts with high concentrations of voters who spoke Asian languages. During the 2012 general election, long lines were reported in South Philadelphia, where there were "Vietnamese-American voters that needed language assistance, but there was no interpreter there," according to Vattamala. Vattamala also noted that poll workers were unaware of a city-operated language hotline to provide assistance to voters who spoke Asian languages, resulting in many voters not being able to vote. Similarly, Ana Sostre-Ramos testified that many polling places in Philadelphia County, which is required to provide language assistance under Section 203 of the Voting Rights Act,<sup>3</sup> had no Spanish-language interpreters available for limited English proficient voters. Additionally, Sostre-Ramos testified to Latino voters not being notified about polling place changes and being turned away from the polls.

<sup>1</sup> See, *English v. Chester County*, No. 10-244 (E.D. Pa. 2010).

<sup>2</sup> See, *United States v. City of Philadelphia*, No. 06-4592 (E.D. Pa. 2007).

<sup>3</sup> Bureau of Census, *Voting Rights Act Amendments of 2006, Determinations under Section 203* [http://www.census.gov/rdo/pdf/2011\\_26293.pdf](http://www.census.gov/rdo/pdf/2011_26293.pdf)