

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KATHLEEN KERRIGAN, ANTHONY HOLIDAY,
MICHAEL J. McSHEA, TARIQ MANGUM, RENEE
CROSBY, and CAROLYN DAVENPORT, on behalf
of themselves and all other individuals similarly
situated,

Plaintiffs,

v.

THE CITY OF PHILADELPHIA; MARGARET M.
TARTAGLIONE, ANTHONY CLARK and JOSEPH
DUDA, in their official capacities as Philadelphia City
Commissioners; PENNSYLVANIA DEPARTMENT
OF STATE and PEDRO A. CORTÉS, in his official
capacity as Secretary of the Commonwealth,

Defendants.

Civil Action No. 07, 00687

REPORT TO THE MAGISTRATE JUDGE

In accordance with the settlement agreement between the third party and the City of Philadelphia and the settlement between the parties in the above, captioned case, the Third Party provides this bi-monthly report for the period of December 1, 2009 to January 31, 2010, on the status of the third party's polling place surveys. Copies of the surveys have been provided to all the parties.

This report provides only a summary of the actual survey results. If the Court would like further information, copies of the surveys can be provided as well.

ACCESSIBLE POLLING PLACES

The following polling places have been surveyed by the 3rd Party and have been determined to be accessible under the standards agreed to in this case. For these polling places, we indicate whether the accessible entrance is currently the primary entrance, whether the accessible entrance should not be re-designated as the exclusive entrance, or whether the accessible entrance currently is not designated as the primary entrance to the polling place but should be re-designated as the exclusive entrance.

The following listed polling locations follow this format:

Ward No., Division No., Name, Address (Entrance designation location in parenthesis) These locations have no change in the entrance.

- Ward 21 Division 11 at Tony's Glass Works, 235 Cotton Street (Main door on Cotton Street)

POLLING PLACES THAT MAY BE MADE TEMPORARILY ACCESSIBLE ON ELECTION DAY

The following polling places have been surveyed by the third party and have been determined to be inaccessible under the standards agreed to in this case. For these polling places, there is a temporary measure(s) that may make them accessible on Election Day. We include the temporary measures as well as the identification of the polling places and the primary entrance. Additionally, for these polling places, we indicate whether the accessible entrance is currently the primary entrance, whether the accessible entrance should not be re-designated as the exclusive entrance and signs should be posted directing voters to the accessible entrance, or whether the accessible entrance currently is not designated as the primary entrance to the polling place but should be re-designated as the exclusive entrance.

Also included in this category, are polling places that are otherwise accessible but the accessible entrance is not the primary entrance; a recommendation to re-designate the accessible entrance as the exclusive entrance is then provided.

The following listed polling locations follow this format:

Ward No., Division No., Name, Address (Entrance designation location in parenthesis)

1) Temporary measure to make location accessible.

- Ward 7, Division 13, 17; Somerset Villas, 200 E. Somerset St. (Gurney St)
 1. Pedestrian entry to site is usually from A Street, the path is too steep. Place a sign at the gate to enter from E. Gurney Street driveway.
 2. Open both gates.
 3. Curbcut to building entrance is too steep. Place top of a 6 foot temporary ramp about 3

feet away from the entry doors. The bottom of the ramp should land in the parking lot driveway.

4. Place 2 cones at base of ramp to protect from traffic.
- Ward 9, Divisions 10, 11; 8000 St. Martins Lane, St. Martin in the Fields Church. (W. Willow Grove Ave)
 1. Prop double doors open at entry.
 - Ward 13 Divisions 9, 11, & 12; 18th & Courtland Streets, Stenton Park Center (Accessible site entry is from 16th & Courtland Streets ALSO 18th & Courtland Streets. Doors are located on east side which is closest to 16th Street.)
 1. Prop doors open for both entries
 2. Second entrance that has a step requires a temporary 6 foot ramp
 - Ward 21, Division 3, Henry on the Park Building E, 7901 Henry Avenue; (North side of building)
 1. Technically, sloped pathway from the street and the parking is too steep. Voters from this division do not come from off-site but already live in the condominium complex. If an alternate voting location was used off-site this would force residents to use the already inaccessible pathways when they otherwise may not have to. An understanding between plaintiffs and defendants allows this polling place location to remain providing that it is only used for residents of the complex.
 2. Adjust door closer pressure to 5 pounds or less or prop door open.
 - Ward 21, Division 15; Northern Home, 5301 Ridge Avenue. (Entrance off of Righter St to kitchen)
 - Two temporary ramps will be required. One should be 6 feet for a 5.5" step and the second should be 5 feet for a 4" step that is also on sloping grade.
 - Two cones will be needed at the bottom of the temporary ramp leading from the driveway to protect the ramp from auto traffic.
 - Prop open entry door.
 - Ward 56, Divisions 14 & 33; Church of the Nazarene, Shelmire & Summerdale Avenues (enter from path on Shelmire Avenue)
 1. Prop open doors and provide 5 foot temporary ramp.
 2. Prop open door to voting room having round doorknob.
 - Ward 56, Divisions 2,16,17 & 37; Rhawnhurst School at Borbeck & Castor Avenue (Polling currently in cafeteria will need to be relocated within the building. Auditorium exterior entrance will need to be re-designated as the primary entrance for Election Day. 1 division could be moved to the auditorium lower level and 3 divisions to the lobby and hallway. Entry to auditorium is from south drive off of Castor Avenue. Pathway would continue inside auditorium to the lobby. If this building had a proper permanent ramp, people could vote in almost any area in the building)

1. Place sign at front door noting that the voter's entrance has moved to the auditorium exterior entrance.
 2. At auditorium exterior entry provide 4 foot ramp at sidewalk curb in lieu of curb-cut. Also provide 2 cones to protect temporary ramp from auto traffic.
 3. Provide a second temporary ramp of 4 feet for the entrance at side of auditorium.
 4. Prop open double doors at auditorium entry and remove center astragal for Election Day and reinstall at end of day.
- Ward 56, Divisions 23, 24, 25 & 27; Farrell School, Castor Avenue & Fox Chase Road (Castor Avenue)
 1. Provide 6 foot ramp to bridge step and walkway at main building entrance.
 2. Prop open front doors
 3. Prop open doors to gym
 - Ward 62, Divisions 17 & 26; DeSimone Auto, 6101 Frankford Avenue (Frankford Avenue).
 1. Re-designate front of building as the primary entrance for Election Day.
 2. Door has 1-1/2" threshold. Suggest tapering threshold with rubber ramp product similar to Elegant Transitions™ 1-1/4" high transition by Safepath Products and supply heavy mat.
 3. Prop open main entry door.
 4. Prop open vestibule door.
 - Ward 62, Divisions 5, 18 & 19; Wissinoming Youth Club, 4133 Van Kirk Street (Van Kirk Street)
 1. Prop open inside vestibule door.
 - Ward 64 Division 6; Lansing Knights Youth Club, 7800 Rowland Avenue (Rowland Avenue)
 1. Door has 1-1/2" threshold. Suggest tapering threshold with rubber ramp product similar to Elegant Transitions™ 1-1/4" high transition by Safepath Products and supply heavy mat.
 2. Prop front doors open
 - Ward 65 Division 4; Bakers Bay Condominiums, 5100 Convent Lane, (Rowland Lane)
 1. Technically, sloped pathway from the street to the building is inaccessible. Voters from this division do not come from off-site but already live in the complex. If an alternate voting location was used off-site this would force residents to use the already inaccessible pathways when they otherwise may not have to. An understanding between plaintiffs and defendants allows this polling place location to remain providing that it is only used for residents of the complex.
 2. Door has 1-1/2" threshold. Suggest tapering threshold with rubber ramp product similar to Elegant Transitions™ 1-1/4" high transition by Safepath Products and supply heavy mat.
 3. Prop open front doors.
 - Ward 65 Division 7; Liberty Evangelical Church, 5200 Linden Avenue, (Linden Avenue)

1. Prop open doors.
- Ward 65, Division 20; Delaire Landing Complex, 9355 State Road, (Delaire Landing is a closed community entered from State Road. The polling occurs off the private drive that serves the community center in front of the pool off Delaire Landing Road, which is the loop road through the complex. The pool and the clubhouse directions are labeled within the complex and the gate guard will give directions to visitors.)
 1. Technically, sloped pathway from the street to the building is inaccessible. Voters from this division do not come from off-site but already live in the complex. If an alternate voting location was used off-site this would force residents to use the already inaccessible pathways when they otherwise may not have to. An understanding between plaintiffs and defendants allows this polling place location to remain providing that it is only used for residents of the complex.

POLLING PLACES THAT ARE INACCESSIBLE AND SHOULD BE RELOCATED

The following polling places have been surveyed by the third party and have been determined to be inaccessible under the standards agreed to in this case. The third party has further determined that temporary measures cannot be implemented to make the polling places accessible on Election Day. For this group of polling places, we recommend that each polling place be relocated to an existing polling place location or to another site. If the City determines that the relocation of a particular division is not possible, then the third party will continue to work with the City to locate an alternative location for the division.

- Ward 9, Division 08 at St. Paul's Episcopal Church, 22 E. Chestnut Hill Avenue is inaccessible.
RELOCATE DIVISION 08 TO
Ward 9, Division 9 at Fire Engine #37, 101 W. Highland Ave (Fire Engine #37's survey instrument was previously submitted with report #2). Fire Engine #37 currently houses 1 division not including relocation recommendations and it potentially has room for 2 divisions total. Note that report 2 recommended a measure for Fire Engine #37 to be made temporarily accessible on Election Day.
- Ward 12, Division 01 at Lonnie Young Recreation Center, Chelton Avenue and Ardleigh Street is inaccessible, due from lack of adequate handrails at interior ramped hallway.
RELOCATE DIVISION 01 TO
Ward 12 Division 02 at Francis D. Pastorius School; 5650 Sprague Street (Francis D. Pastorius School's survey instrument was previously submitted with report #2). The Francis D. Pastorius School currently houses 1 division not including relocation recommendations and it potentially has room for 3 divisions total.
- Ward 13, Division 07 at New Inspirational Baptist Church, 4400 Germantown Avenue is inaccessible.
RELOCATE DIVISION 07 TO

Ward 13 Division 06 at Edward Steel School, 4301 Wayne Avenue (Edward Steel School's survey instrument was previously submitted with report #2). The Edward Steel School currently houses 1 division not including relocation recommendations and it potentially has room for 6 divisions total.

- Ward 13, Division 08 at Universal Mission Baptist Church, 4401 Germantown Avenue is inaccessible.
RELOCATE DIVISION 08 TO
Ward 13 Division 06 at Edward Steel School, 4301 Wayne Avenue (Edward Steel School's survey instrument was previously submitted with report #2). The Edward Steel School currently houses 1 division not including relocation recommendations and it potentially has room for 6 divisions total.
- Ward 17, Division 1 at Morris Estate Recreation Center, 16th & Cheltenham Avenue is inaccessible.
RELOCATE DIVISION 01 TO
Ward 17, Division 03 at Phillip Murray House, 6300 Old York Road (Phillip Murray House's survey instrument was previously submitted with report #2). The Phillip Murray House currently houses 3 divisions not including relocation recommendations and it potentially has room for 5 divisions total.
- Ward 17, Division 2 at Beauty Shop at 6501 Ogontz Avenue is inaccessible.
RELOCATE DIVISION 02 TO
Ward 17, Division 03 at Phillip Murray House, 6300 Old York Road (Phillip Murray House's survey instrument was previously submitted with report #2). The Phillip Murray House currently houses 3 divisions not including relocation recommendations and it potentially has room for 5 divisions total.
- Ward 17, Division 08 at House of Prayer Dining Hall, 2122 Cheltenham Avenue is inaccessible.
RELOCATE DIVISION 08 TO
Ward 17, Division 08 at Imhotep Charter School, 2101 W. Godfrey Street (Imhotep School survey summary is listed under "Potential New Polling Places" at the end of this report.)
- Ward 17, Division 10 at Corinthian Community & Education Center, 6100 N. 21st Street is inaccessible.
RELOCATE DIVISION 10 TO
Ward 17, Division 08 at Imhotep Charter School, 2101 W. Godfrey Street (Imhotep School survey summary is listed under "Potential New Polling Places" at the end of this report.)
- Ward 17, Division 28 at Corinthian Community & Education Center, 6100 N. 21st Street is inaccessible.
RELOCATE DIVISION 28 TO
Ward 17, Division 08 at Imhotep Charter School, 2101 W. Godfrey Street (Imhotep School survey summary is listed under "Potential New Polling Places" at the end of this report.)
- Ward 17, Division 17 at Belfield Recreation Center, 2100 W. Chew Street is inaccessible.

RELOCATE DIVISION 17 TO

Ward 17, Division 18 at Pennell School, 1800 Nedro Street (Pennell School's survey instrument was previously submitted with report #2). The Pennell School currently houses 2 divisions not including relocation recommendations and it potentially has room for 3 or more divisions total.

- Ward 17, Division 19 at Love Missionary Baptist Church, 5801 Ogontz Avenue is inaccessible.
RELOCATE DIVISION 19 TO
Ward 17, Division 21 at Widener School, 1500 W. Olney Avenue (Widener School's survey instrument was previously submitted with report #2). The Widener School currently houses 2 divisions not including relocation recommendations and it potentially has room for 3 more divisions total.
- Ward 21, Division 2 at Wissahickon Neighbors Playground, 236 Hermit Street is inaccessible.
RELOCATE DIVISION 2 TO
Ward 21, Division 01 at Pilgrim Orthodox Church, 3815 Terrace Street (Pilgrim Church's survey instrument was previously submitted with report #2) The Pilgrim Church currently houses 1 division not including relocation recommendations and it potentially has room for 4 divisions total.
- Ward 21, Division 04 at New Umbria Baptist Church, 4143 Main Street is inaccessible.
RELOCATE DIVISION 04 TO
Ward 21, Division 04 at Intercommunity Action Incorporated, 4120 Tower Street (Intercommunity Action Inc. survey summary is listed under "Potential New Polling Places" at the end of this report.)
- Ward 21, Divisions 08 & 09, Hillside Recreation Center, 201 Fountain Street is inaccessible.
RELOCATE DIVISIONS 08 & 09 TO
Ward 21, Division 13 at Church of Living the Saviour, 4799 Silverwood Street (The Church of the Living Saviour's survey instrument was previously submitted with report #2) The Church of the Living Saviour currently houses 1 division not including relocation recommendations and it potentially has room for 3 divisions total.
- Ward 21 Division 29 at Parker Pub Dining Room, 6800 Ridge Avenue is inaccessible.
RELOCATE DIVISION 29 TO
Ward 21 Division 40 at Salvation Army, 6730 Ridge Avenue (The Salvation Army's survey instrument was previously submitted with report #2) The Salvation Army currently houses 2 divisions not including relocation recommendations and it potentially has room for 6 divisions total.
- Ward 22, Division 24 at Germantown Christian Assembly, 610 E. Mt. Pleasant Avenue is inaccessible.
RELOCATE DIVISION 24 TO
Ward 22, Division 24 at the Universalist Unitarian Church of the Restoration, 6900 Stenton Avenue (The Universalist Unitarian Church of the Restoration survey summary is listed under "Potential New Polling Places" at the end of this report.)

- Ward 22, Division 27 at the True Light Fellowship Church, 6400 Ardleigh Street is inaccessible.
RELOCATE DIVISION 27 TO
Ward 22, Division 28 at AB Day School, 6321 Crittenden Street, (The Anna Blackston Day School survey instrument was previously submitted with report #2) The Anna Blackston Day School currently houses 1 division not including relocation recommendations and it potentially has room for 6 divisions total in the gymnasium.
- Ward 57 Division 1 & 16 at the Polish Home, 9150 Academy Road is inaccessible.
RELOCATE DIVISIONS 1 & 16 TO
Ward 57, Division 17 at Penn Crisp Club, 9151 Academy Road (The Penn Crisp Club survey instrument was previously submitted with report #2) The Penn Crisp Club currently houses 1 division not including relocation recommendations and it potentially has room for 3 or more divisions total.
- Ward 62, Division 14, the residence at 5926 Horrocks Street is inaccessible.
RELOCATE DIVISION 14 TO
Ward 62, Division 11 at the Regal Ballroom, 5411 Oxford Avenue (The Regal Ballroom survey instrument was previously submitted with report #3) the Regal Ballroom currently houses 4 divisions not including relocation recommendations and it potentially has room for 5 divisions total.

POTENTIAL NEW ACCESSIBLE POLLING PLACES OR POTENTIAL NEW POLLING PLACES THAT MAY BE MADE TEMPORARILY ACCESSIBLE ON ELECTION DAY

The following locations have been surveyed by the 3rd Party as potential new polling places. These locations are either accessible under the standards agreed to in this case or there is a temporary measure(s) that may make them accessible on Election Day. For these polling places, we note the accessible entrance, if the building is fully accessible and whether temporary modifications are needed to make the location accessible on Election Day.

The following listed polling locations follow this format:

- Ward No., Division No., Name, Address (Entrance designation location in parenthesis)
 1. Temporary measure to make location accessible.

 - Ward 17 Division 08, Imhotop Charter School, 2101 W. Godfrey Avenue (Laveer Street entry at library. This is not the primary building entrance)
This location can hold 4 divisions in the library and potentially hold two more divisions in a classroom. Voting divisions recommended for this building are listed elsewhere in this report for Ward 17, Divisions 8 formerly at the House of Prayer and for Ward 17, Divisions 10 & 28 formerly at the Corinthian Comm. & Education Center.
Prop door open at library stair entrance on Election Day OR adjust door closer for less pressure.
 1. Place sign at building's front door noting that the polling location is at the Laveer Street.
Library entrance.

- Ward 21, Division 4, Intercommunity Action Incorporated, 4120 Tower Street (Either of two entrances can be used from Tower Street depending on room used for voting. The proprietor's preference is room known as Denise's office area which has a separate entry) Voting divisions recommended for this building are listed elsewhere in this report for Ward 21 Division 04 formerly at the New Umbria Baptist Church.
 1. Furniture will need to be moved to make room for voting.

- Ward 22 Division 24, Unitarian Universalist Church of the Restoration, 6900 Stenton Avenue (Stenton Avenue main entrance) Voting division recommended for this building is listed elsewhere in this report for Ward 22 Division 24 formerly at the Germantown Christian Assembly.
 1. Prop open main double doors and interior doors or adjust closers for 5 pounds or less of pressure to open.
 2. Congregation volunteers will need to move 4 rows of seats from rear on one side of center aisle to make approximately an 18 ft x 18 ft space for 1 division