

**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 February 1, 2010 to March 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 38, Divisions 12 & 20, located at Falls of Schuylkill Library, 3501 Midvale Avenue. (Midvale Avenue is polling entry which is not the main entry, also a level pathway bypassing the 3 steps to the entry starts at Warden Drive, near the corner of Midvale and Warden).

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 10, Divisions 12, 17, 21 located at Rowen School, 19th & Haines Street. (Ramped

- entry from access drive that is at N. 19th Street)
1. Open gate at bottom of exterior ramp.
 2. Prop open entry doors and doors at polling area
- Ward 11, Divisions 4 & Ward 13 Division 25 located at Kenderton School, 15th Street & Ontario Street.
 1. NOTE: THIS BUILDING IS SPLIT IN USE BETWEEN 2 WARDS. TO VIEW THE SUMMARY AND THE SURVEY PLEASE LOOK AT THE DEPARTMENT OF JUSTICE REPORT #5. Campbell Thomas and Co. does have a survey of this site available.
 - Ward 12, Divisions 12, 14 located at Wister Recreation Center, Shedaker Street and Baynton Street. (Sheldon Street pathway to side ramped entry facing the basketball courts)
 1. Place sign at Baynton Street entrance directing voters of Sheldon Street accessible walking path..
 2. Prop open entry door to building.
 3. Provide 1x4 tied to bottom of ramp railing posts with plastic ties to provide temporary edge protection on Election Day.
 - Ward 23, Divisions 01, 02, 03 located at Northwood Academy Charter School, 4290 Penn Street. (Main entrance facing Penn Street, door on far left as viewed from street)
 1. Re-designate main lobby as the polling area.
 2. Provide 5 foot temporary ramp at front door.
 3. Prop open front doors.
 4. Prop open interior doors.
 - Ward 23, Divisions 6 & 7 located at Frankford Library, 4634 Frankford Library (enter from front doors on Frankford Ave.)
 1. Use entry side of desk only or remove stanchion at exit side for clearance.
 2. Prop open 5 foot pair of doors, both sets from hallway
 3. Prop open doors to polling room.
 4. Unlock lift.
 - Ward 23, Division 14, located at American Legion Post 396, 2369 Orthodox Street (Orthodox Street)
 1. Provide 5 foot temporary ramp.
 2. Prop open front door.
 3. Prop open vestibule double doors
 - Ward 23, Division 15, located at Carmella Recreation Center aka Whitehall Commons, Torresdale Ave & Wakeling Street. (entry to site is on Wakeling Street at gate –not the main site entrance, entry to building is re-designated to center door at rear for polling)

1. Place sign at main ramp noting that accessible site entry is located at gate on Wakeling Street near intersection of Tulip Street
 2. Re-designate rear center door as the primary entrance on Election Day
 3. Prop open rear center door and provide 6 foot temporary ramp..
 4. Prop open interior doors.
- Ward 25, Divisions 2,17,23 & 24, located at Jones Middle School, 2950 Memphis Street (ramped entrance facing rear schoolyard off Tulip Street)
 1. Relocate and re-designate all polling functions to the Boy's cafeteria. Discontinue using the auditorium.
 2. Prop open entry doors and vestibule doors. Remove center astragal at vestibule doors.
 3. Prop open corridor doors. Remove center astragal door stop.
 - Ward 35, Divisions 10, 11 & 25, located at Lawncrest Recreation Center, Rising Sun Ave & Comly Street (entry is at Rising Sun Avenue)
 1. Provide 1x4 tied to bottom of ramp railing posts with plastic ties to provide temporary edge protection on Election Day.
 - Ward 35, Division 28, located at Hill Creek Homes, 5577 Hill Creek Drive (entry to basement in center courtyard of building 10 parallel to N. Hill Creek Drive, adjacent to sidewalk lift)
 1. Prop open entry door.
 2. Prop open interior door
 3. Unlock lift and set to "ON" for the entire day.
 - Ward 33, Divisions 11 & 12, located at J Street Cafe, 1071 E. Erie Avenue (entry is on J Street, the last entrance closest to the rear) This entrance was approved by Justice Department.
 1. Prop open entry door and interior doors
 - Ward 38, Divisions 03 & 04, located at Whittier School, 2700 W. Clearfield Avenue (entry is at Clearfield between 26th & 27th Streets)
 2. Open gate
 3. Provide 4 foot ramp
 4. Prop open entry doors
 5. Prop open cafeteria doors
 - Ward 55, Divisions 03 & 04, located at Devon Theater, 6325 Frankford Avenue (entry is at first storefront door closest to the theater entrance on Frankford Avenue.
 1. Prop open entrance door.
 2. 3 foot temporary ramp is needed at 3" rise and 9 inch long sloped transition between 2 polling rooms. The 3 foot temporary ramp should reduce the slope to acceptable limits.

3. Prop open door of voting area.
- Ward 59, Divisions 18, located at Lingelbach School, at Wayne Avenue and Johnson Street (Re-designate the ramped entrance from the schoolyard into a kindergarten classroom as the primary entrance on Election Day.)
 1. Prop open door
 2. Provide 1x4 tied to bottom of ramp railing posts with plastic ties to provide temporary edge protection on Election Day.
 - Ward 57, Divisions 03 & 13, located at Immaculate Mary Nursing Home, 2990 Holme Avenue (entry is at cafeteria off of parking lot, not the building primary entrance)
 1. Prop open door
 2. Provide 2 foot ramp at door or a raised threshold.
 - Ward 59, Division 10, located at Community room, 6207-09 Chew Avenue (re-locate and re-designate voting to the adjacent building at 6209 Chew Avenue, not the building entry or polling place at 6207 Chew Ave)
 1. Prop open door
 2. Prop open interior door
 - Ward 61 Division 09, located at Temptations Hair Salon at 5906 N. 2nd Street (Entrance at 2nd Street that is 33” wide to be re-designated as primary entry on Election Day)
 1. Provide a six foot ramp at the door step.
 2. Prop open entry doors.
 - Ward 61 Division 18, located at St. Helena’s School at 400 W. Spencer Street (Entry is at side parking lot at parish school to rear of building at stair tower)
 3. Provide a three foot ramp at the door threshold.
 4. Prop both entry doors open.
 5. Prop open interior doors at the hallway.
 - Ward 61 Division 22, located at Bromley House Apartments, 6901 Old York Road (Entry is at community room of building B and site entry is from Old York Rd or 69th Avenue or Lakeside Avenue)
 1. Provide one ramp that is 6 feet at the front door step.
 2. Prop main doors open.
 - Ward 61 Divisions 27 & 28, located at Cardinal Dougherty High School; 6301 N. 2nd Street (entry is at cafeteria off of parking lot driveway from N. 2nd Street, not the building primary entrance)
 1. Provide two ramps that are 5 feet each at driveway speed bump, one to go up and one to go down.
 2. Provide 3 cones to protect ramps from automobile traffic at speed bump.

Ward 64, Divisions 08, 09, 10, 13 & 14, located at Lincoln High School, 3201 Ryan Ave., (Pedestrians use Ryan Avenue access and autos use Rowland Ave parking lot)

1. Prop open interior vestibule doors.
- Ward 64, Divisions 02, located at Park Terrace Apartments Common Room, 8040 Rowland Avenue (Re-designate as primary entrance the main door at lobby C. Use of this entry for all voters may require approval of the management.)
 1. Place cone in parking space adjacent to speed bump to create a pathway to allow for passage of a wheelchair around the speed bump instead of over it.
 2. Prop open vestibule doors at both entrances.
 3. Prop open polling room doors
 - Ward 64, Division 18, located at Private residence, 7823 Brous Avenue (Entry is at rear of building at driveway accessed through rear alleyway. Alleyway can be entered at either Lister Street or from Loney Street)
 1. Door has 1-1/2" threshold. Suggest tapering threshold both inside and outside with rubber ramp product similar to Elegant Transitions™ 1-1/4" high transition by Safepath Products and supply heavy mat.
 2. Prop open rear screen door and rear door.
 3. Provide signs at Brous Avenue at building front notifying voters that polling is at the rear of the house that can also be accessed from the Loney Street alleyway entry.

POLLING PLACES AMMENDED RECOMENDATIONS

- Ward 35, Division 4 (**Revised 4-8-2010**) located at State Farm Insurance, 6640 Rising Sun Avenue, (Entry is at rear of building at parking lot off of Unruh Avenue)
 1. Designate accessible parking spot with sign.
 2. Provide 1x4 tied to bottom of ramp railing posts with plastic ties to provide temporary edge protection on Election Day.
 3. Prop open entry door.
- Ward 49, Division 01 **Reissue:** Incorrect location surveyed and submitted with Report #2. The correct location that should have been submitted is at the Torres Dollar Store at 543 W. Courtland Street. The Torres Dollar Store is inaccessible.
RELOCATE DIVISION TO
Ward 49, Division 01, The Brightside Academy at 543 W. Courtland Street. The Brightside Academy would be a new polling location if accepted. Its summary is at the end of this report under the heading "Potential new polling places...", and its survey is included with the 5th report survey instruments.
- Ward 13, Division 08 (**Revised 4-10-2010**) located at Universal Missionary Church 4401

Germantown Ave. (Entry is via ramp on Germantown Ave)

1. Designate accessible parking spot with sign.
2. Ramp has a 1-1/4" leading edge. Suggest a tapering rubber ramp product similar to Elegant Transitions™ 1-1/4" high transition by Safepath Products and supply heavy mat.
3. Set open interior vestibule door

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 4, Chestnut Hill Friends Meeting, 100 E. Mermaid Lane
RELOCATE DIVISION 04 TO
Ward 9 Division 16 at Chestnut Hill Village Apartments, 7800B Stenton Avenue (Chestnut Hill Village Apartments' survey instrument was previously submitted with report #1)
The Chestnut Hill Village Apartments currently houses 1 division not including relocation recommendations and it potentially has room for 3 divisions total. Note that report 1 recommended a measure for the apartments to be made temporarily accessible on Election Day.
- Ward 9 Division 7, St Paul's Episcopal Church, 22 E. Chestnut Hill Avenue is inaccessible.
(Survey instrument previously sent with report #4)
RELOCATE DIVISION 07 TO
Ward 9 Division 7 at Chestnut Hill Library, 8711 Germantown Avenue (Chestnut Hill Library's survey instrument was previously submitted with report #2) The Chestnut Hill Library currently houses 1 division not including relocation recommendations and it potentially has room for 3 divisions total. Report 2 recommended a measure for the library to be made temporarily accessible on Election Day.
- Ward 22 Divisions 9, 12, 13 at St. Michael's Church, 6671 Germantown Avenue is inaccessible
RELOCATE DIVISIONS 09 and 13 TO

Ward 22 Division 14 at the 2nd Baptist Church, 51 E Cliveden St AKA 6465 Germantown Ave. The 2nd Baptist Church would be a new polling location if accepted. Its summary is at the end of this report under the heading “Potential new polling places...”, and its survey is included with the 5th report survey instruments.

RELOCATE DIVISION 12 TO

Ward 22 Division 11 at Fire Engine #9 Ladder 21, 6822 Germantown Avenue, formerly submitted with report #2. This location potentially has room for 2 divisions, currently one division is located here and it could reasonably be combined with division 12.

- Ward 23 Division 18 at Whitehall Residents’ Council Office, 1824-26 Foulkrod Street is inaccessible

RELOCATE DIVISION 18 TO

Ward 23 Division 18 at Gambrel Recreation Center, 1900 Wakeling. The Gambrel Recreation Center would be a new polling location if accepted. Its summary is at the end of this report under the heading “Potential new polling places...”, and its survey is included with the 5th report survey instruments.

- Ward 13 Division 04 located at the City Polling Machine Warehouse, 4700 Wissahickon Avenue #104 is inaccessible

RELOCATE DIVISION 04 TO

Ward 38 Division 17 at Drexel Caring Together (Program Lobby entry at corner of Wissahickon & S. Abbotsford Avenues), located in different tenant space as inaccessible location in same building. The Drexel Caring Together would be a new polling location if accepted. Its summary is at the end of this report under the heading “Potential new polling places...”, and its survey is included with the 5th report survey instruments.

- Ward 22 Division 05 & 07 at Church of the Annunciation, 320 Carpenter Lane is inaccessible

RELOCATE DIVISION 05 & 07 TO

Ward 22 Division 04 at Germantown Jewish Centre, 400 W. Ellet Street. (Germantown Jewish Centre survey instrument was previously submitted with report #2) The Germantown Jewish Centre currently houses 1 division not including relocation recommendations and it potentially has room for 3 divisions total.

- Ward 22, Division 29 at the True Light Fellowship Church, 6400 Ardleigh Street is inaccessible. (The True Light Fellowship Church survey instrument was previously submitted with report #4)

RELOCATE DIVISION 29 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 43 Division 1 at El Shaddei Baptist Church, 4244 Old York Road is inaccessible
RELOCATE DIVISION 1 TO
Ward 43 Division 1, Hunting Park Recreation Center, 4301 Hunting Park Avenue. The Hunting Park Recreation Center would be a new polling location if accepted. Its summary is at the end of this report under the heading “Potential new polling places...”, and its survey is included with the 5th report survey instruments.
- Ward 43 Division 3,4,5, & 6 at McClure School, 6th & Hunting Park Avenue is inaccessible
RELOCATE DIVISION 3 TO
Ward 43 Division 2, Spirit & Truth Fellowship School, 4455 N. 6th Street. The Spirit & Truth Fellowship School would be a new polling location if accepted. Its summary is at the end of this report under the heading “Potential new polling places...”, and its survey is included with the 5th report survey instruments.
RELOCATE DIVISION 4 & 5 TO
Ward 43 Division 1, Hunting Park Recreation Center, 4301 Hunting Park Avenue. The Hunting Park Recreation Center would be a new polling location if accepted. Its summary is at the end of this report under the heading “Potential new polling places...”, and its survey is included with the 5th report survey instruments.
RELOCATE DIVISION 6 TO
Ward 7 Division 7, Roberto Clemente School, 122 W. Erie Avenue. (The Roberto Clemente School survey instrument was previously submitted with report #2) The Roberto Clemente School currently houses 1 division not including relocation recommendations and it potentially has room for 2 divisions total in the upper auditorium.
- Ward 49 Division 12 at Holy Trinity Presbyterian Church, 4900 N 11th St is inaccessible
RELOCATE DIVISION 12 TO
Ward 49 Division 13, Fire Engine Co. #72, 1127 Loudon Street. (The Fire Engine Co. 72 survey instrument was previously submitted with report #2) The Fire Engine Co. 72 currently houses 1 division not including relocation recommendations and it potentially has room for 2 divisions total in the apparatus room.
- Ward 62 Division 02 at East Park Community Center, 5100 Ditman Street is inaccessible
RELOCATE DIVISION 02 TO
Ward 23 Division 18 at Gambrel Recreation Center, 1900 Wakeling. The Gambrel Recreation Center would be a new polling location if accepted. Its summary is at the end of this report under the heading “Potential new polling places...”, and its survey is included with the 5th report survey instruments.

PUBLICLY OWNED BUILDINGS WHERE IT MAY BE REASONABLE TO MODIFY INACCESSIBLE FEATURES

The following polling places have been surveyed by the third party and have been determined to have inaccessible features under the standards agreed to in this case. Where appropriate, we have identified the inaccessible features and have provided a recommendation as to how they may be reasonably, permanently modified to remove barriers to accessibility.

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 22, Division 14, 2nd Baptist Church, 51 E. Cliveden St. AKA 6465 Germantown Ave. (Parking lot facing Cliveden Street)
This location can hold 4 divisions. Voting divisions recommended for this building are listed elsewhere in this report for Ward 22, Divisions 9 and 13 formerly at St. Michaels’s Church.
 1. Prop open doors to multi-purpose room which could be used for additional polling locations.
- Ward 23, Division 18, Gambrel Playground, 1900 Wakeling (Entry is at front of Building off Whitehall Commons near Jackson Pl. and Valley Pl.)
This location can hold 6 divisions. Voting divisions recommended for this building are listed elsewhere in this report.
 1. Prop open doors in hallways and gym.
- Ward 38, Division 17, Drexel Caring Together Program, 4700 Wissahickon Avenue (corner of Wissahickon & S. Abbotsford Avenues. Access site through parking lot entry on both streets). Contact Gene O’Donald 215-713-9616 from Equivest; they lease to Drexel Caring Together Program and control the lobby space.
 1. Dog down thumb latch on entry door.
- Ward 43 Division 01, Hunting Park Recreation Center, 4301 Hunting Park Avenue (Hunting Park Avenue entry)
 1. Prop open entrance door

2. Prop open all doors leading to voting area.
 3. Provide 1x4 tied to bottom of ramp railing posts with plastic ties to provide temporary edge protection on Election Day for BOTH sides of ramp.
- Ward 43, Division 02, Spirit & Truth Fellowship School, 4455 N. 6th Street (entrance is on 6th Street)
 - Ward 49, Division 1, Brightside Academy, (corner of Fairhill Street and W. Courtland Avenue)
 - 1) Post sign at elevator directing all voters to use elevator to second floor.
 - 2) Post sign directing voters to use ramped outside entry.