

Council of the District of Columbia  
Committee on the Judiciary  
D.C. Board of Elections Oversight Hearing

Testimony of Peter Stephan, Staff Attorney  
Disability Rights DC at University Legal Services

February 19, 2019

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Thank you for the opportunity to testify about the District of Columbia Board of Elections' (DC BOE) obligation to ensure that all DC residents with disabilities have a full and equal opportunity to vote. I am a staff attorney at Disability Rights DC (DRDC) at University Legal Services. As the designated protection and advocacy agency for the District of Columbia, DRDC advocates on behalf of DC residents with disabilities to promote their equal access to polling sites, among other programs and facilities. For the past 15 years, DRDC has surveyed the accessibility of the District's polling sites, provided recommendations to the BOE, and issued public reports in an effort to ensure full compliance with the federal Help America Vote Act and Americans with Disabilities Act.<sup>1</sup>

In a big step forward for polling place accessibility, DC public and public charter schools were closed to students for both the 2018 primary and general elections. This allowed schools used as polling places to prop open heavy doors, significantly facilitating entry by voters with mobility, manual dexterity, and vision disabilities. Nearly two-thirds (65%) of school building doors were open in the June primary, a 10% improvement since the last election. DRDC, alongside community partners and commissioners of the Board of Elections, advocated for the closure of public and public charter schools to alleviate student security concerns as a result of propping open doors. Closing schools on election day to facilitate access is also recommended by the Presidential Commission on Election Administration. However, there is still improvement to be made, as DRDC found that nearly a third of surveyed schools with heavy, inaccessible doors did not prop them open during the 2018 primary or general elections. The District should continue to close the public and public charter schools to students during all future elections.

During the June 2018 primary election, we surveyed 85% of the District's 143 polling sites. Based on an accessibility checklist developed by DRDC, our surveyors found 14% of the

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<sup>1</sup> DRDC reports are available at: <http://www.uls-dc.org/protection-and-advocacy-program/programs/protection-and-advocacy-for-voter-access/>

surveyed sites were structurally inaccessible, meaning voters with mobility disabilities could not enter the buildings to vote due to inaccessible ramps, broken elevators, and other structural issues that poll workers could not resolve. This was a 5% improvement over the last election.

DRDC also found a third (34%) of the surveyed precincts were operationally inaccessible, meaning poll workers could have, but failed to, take the necessary steps to ensure accessibility, by, for example, failing to: remove obstructions in the path to the accessible entrance, prop open heavy doors, or post signs directing voters to accessible entrances. All the findings from this survey are detailed in our report on the June 2018 primary election. See <http://www.uls-dc.org/protection-and-advocacy-program/programs/protection-and-advocacy-for-voter-access/>.

Our survey results for the November 2018 general election were consistent with the June results. DRDC found 41% of surveyed precincts were operationally inaccessible. DRDC found operational barriers such as heavy, closed doors, and obstructions in the path to the “accessible” entrances. Many sites had unsecured rugs or mats that created additional obstacles to people with mobility limitations.

DRDC also found that 8% of surveyed precincts were structurally inaccessible during the November 2018 general election. For instance, during the general election, DRDC found a broken elevator precluded access to the voting area for people who use wheelchairs, among others, at Walker Jones Education Campus.

DRDC and voting rights advocates continue to urge BOE to relocate all structurally inaccessible polling sites and remove access barriers at all sites prior to election day. For example, DRDC has reported that St. Margaret’s Episcopal Church and Perry Street Prep School at Taft are structurally inaccessible, and we continue to recommend that BOE replace them with accessible sites.

We remain committed to shedding light on the barriers that voters with disabilities encounter and working with BOE to achieve full accessibility during every election to ensure that all DC voters can exercise their right to enter polling sites and vote independently.