

**DC VOTING ACCESS
DURING THE APRIL 26, 2011 SPECIAL ELECTION**

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RESULTS OF ACCESSIBILITY SURVEYS OF INDIVIDUAL POLLING PRECINCTS DURING THE APRIL 26, 2011 SPECIAL ELECTION

This report provides an analysis of the results of a survey conducted by University Legal Services (ULS) of the accessibility of polling precincts throughout the District of Columbia during the April 26, 2011 Special Election. ULS is the federally designated protection and advocacy agency that represents people with disabilities to ensure their access to facilities, services and programs in the District of Columbia. Pursuant to the Help America Vote Act of 2002 (HAVA), protection and advocacy agencies, including ULS, are charged with “ensuring the full participation in the electoral process of individuals with disabilities, including registering to vote, casting a vote and accessing polling places.” 42 U.S.C. § 15461 et. seq. (2002). Along with compliance with HAVA, the District of Columbia agreed to make all of its precincts accessible to people with disabilities by the 2004 Presidential Primary in a Settlement Agreement arising from *AAPD v. District of Columbia*.

ULS has covered the District’s major elections since 2004 and has issued reports on polling place accessibility to the staff of the Board of Elections and Ethics (BOEE) as well as its Board of Commissioners and the public.¹ ULS staff have also testified before the District of Columbia’s City Council and met with BOEE officials about the accessibility issues. Over the years, with each report, ULS has recommended remedies for resolving the inaccessibility of polling precincts. This year, ULS attended a site visit of some previously inaccessible polling places with BOEE staff and pointed out what changes needed to be made to ensure accessibility. Specifically, ULS asked BOEE to address the heavy, narrow, and/or closed doors that were barriers to people with physical disabilities in previous elections. Despite BOEE staff assurances that these changes would be made, on election day a number of polling sites had closed and/or locked doors, making them inaccessible to people with mobility-related disabilities.

This report discusses each precinct surveyed and identifies accessibility issues such as locked accessible doors, inadequate signage, and other issues. During the April 26, 2011 Special Election, ULS found that the BOEE still has significant access issues to resolve to ensure the accessibility of 100% of the DC polling precinct for people with disabilities.

METHODOLOGY

This report lists precincts as *structurally inaccessible* when voters with mobility disabilities cannot enter the building to vote due to steps, narrow doorways or other issues that cannot be remedied by poll workers. Precincts are labeled *operationally inaccessible* where poll workers failed to take the necessary steps to ensure accessibility or equipment malfunctioned and was not repaired in a timely manner. As a result, voters with mobility, visual and hearing disabilities could not enter what was otherwise a structurally accessible facility or could enter, but could not vote. All of the inaccessible precincts are designated with an asterisk (*) and are in bold print. A chart of all precincts surveyed is included at the end of this report as Appendix A; the breakdown of the precincts by accessibility issue is included as Appendix B.

¹ See “DC Voting Access: Still Beyond Reach during the 2010 Primary Election,” available at <http://www.uls-dc.org/HAVA%20REPORT%20on%20Sept%202010%20Primary.FINALNOV%2016%202010.pdf>

OVERVIEW:

29% of the 17 Surveyed Precincts were Structurally Inaccessible: Voters with mobility disabilities cannot enter the building to vote due to steps, narrow doorways or other issues that cannot be remedied by poll workers.

<u>Precinct Name</u>	<u>Precinct Number</u>
1. Garnet-Patterson Junior High School	22
2. Edmund Burke School	34
3. E.L. Haynes Public Charter School	46
4. Watkins Elementary School	91
5. Union Temple Baptist Church	114

65% of the 17 Surveyed Precincts were Operationally Inaccessible: Poll workers failed to take necessary steps to ensure accessibility or equipment malfunctioned and was not repaired in timely manner.

<u>Precinct Name</u>	<u>Precinct Number</u>
1. Garnet-Patterson Junior High School	22
2. MPD Boys and Girls Club	23
5. E.L. Haynes Public Charter School	46
6. Powell Elementary School	47
7. Truesdell Elementary School	56
8. McKinley Technology High School	75
9. Delta Towers Apartment	77
10. J.O. Wilson Elementary School	83
11. Watkins Elementary School	91
12. Mt. Bethel Baptist Church	135
13. Garrison Elementary School	137

PRECINCT-BY-PRECINCT FINDING:

Garnet-Patterson Junior High School (2001 10th St., NW) – Precinct 22*

- *Comparison to 2010 Primary Election Report:* The voting area for people with disabilities was previously segregated from all other voters, however was structurally and operationally accessible. The survey indicated the voting area for people with disabilities was no longer segregated, however there were an increased number of structural and operational deficiencies.
- *Structurally inaccessible:* The accessible entrance had a ramp; however, it did not have handrails. **The route to the voting machine was obstructed by a metal detector blocking the entrance to the voting area.** Additionally, those waiting to use the touch screen machine had to wait on an inclined walkway leading down to the screening area.

- *Operationally inaccessible:* While the polling place had an accessible parking sign posted on the street, and readable signs guided voters to the accessible entrance, there was no portable doorbell stand next to the parking space. **The touch screen machine could not be reached by a wheelchair user and was not placed in an area that provides five feet of turning space in front of the machine.**

MPD Boys and Girls Club (2500 14th St, NW) – Precinct 23*

- *Comparison to 2010 Primary Election Report:* This precinct improved by providing a more accessible ramp leading to the accessible entrance and removing abrupt rises that would make it difficult for a person using a wheelchair to traverse. However, it did not clearly designate accessible parking.
- *Structurally accessible:* While accessible parking was not marked, the precinct was otherwise structurally accessible.
- *Operationally inaccessible:* The precinct's accessible route was unobstructed and free of abrupt rises greater than one half inch. **There was no designated accessible parking;** however a door bell was placed in the parking lot. All heavy doors were propped open. The precinct had all of the proper assistive devices, but they were not visible to voters and were only available on request. **The touch screen machine was private, but the touch screen did not provide a five foot turning radius around the machine.** The poll captain stated that he would move the touch screen machine when a wheelchair user came to vote. The poll captain was extremely cooperative and committed to wheelchair access.

Edmund Burke School (2955 Upton St. NW) – Precinct 34*

- *Comparison to 2010 Primary Election Report:* In 2011, access to voting machine required use of an elevator, which was not working at the time. For the special election, a voter in a wheelchair did not need to use an elevator to reach the polling place.
- *Structurally inaccessible:* **The route to the polling machine was not free of an abrupt rise of greater than ½ inch.** The designated accessible entrance required voters in wheelchairs to go up a steep ramp.
- *Operationally accessible* – There was esignated accessible street parking, and clear signs posted to guide voters to accessible entrance. Loose mats or rugs needed to be secured with duct tape.

Cesar Chavez Prep Charter Middle School (770 Kenyon St. NW) – Precinct 38

- *Comparison to 2010 Primary Election Report:* While the precinct **in previous elections had closed and locked the entrance door**, and did not include readable signs directing voters to the accessible entrance from the street view, the precinct made noticeable improvements. They provided readable signs directing voters from the street to the accessible entrance and polling workers were stationed to open the entrance door to the voting area.
- *Structurally accessible:* The precinct had accessible entrances and designated accessible parking, however the three accessible parking spots were all taken by unauthorized cars.
- *Operationally accessible:* The precinct was operationally accessible, with readable signs guiding voters to the accessible entrance. Doors without external handles or that were otherwise difficult to open had a doorbell and poll workers were stationed to open the

door. The precinct had all of the proper assistive devices available, the touch screen machine was private, and the touch screen provided a five foot turning radius around the machine.

MPD – Regional Operation Command (801 Shepherd St, NW) – Precinct 45

- *Comparison to 2010 Primary Election Report:* For the 2010 Primary Election Report, this precinct had closed doors at the accessible entrance and the wheelchair ramp did not offer wheelchair riders a sufficient landing. During this election, the precinct successfully addressed both issues, however mats were not secured.
- *Structurally accessible:* The precinct was structurally accessible and the main voter entrance was also the accessible entrance.
- *Operationally accessible:* The precinct provided voters readable signs guiding voters to the accessible entrance. The accessible entrance ramp offered wheelchair riders a sufficient landing, and all doors without external handles or that were otherwise difficult to open were propped open. However, loose mats were not secured with duct tape. The precinct had all of the proper assistive devices available, the touch screen machine was private, and the touch screen provided a five foot turning radius around the machine.

E.L. Haynes Public Charter School (4501 Kansas Ave. NW) – Precinct 46*

- *Comparison to 2010 Primary Election Report:* The precinct was relocated from the McFarland Middle School (4400 Iowa Ave., NW) because the previous designated polling site was without an accessible entrance or route and allowed only for curbside voting.
- *Structurally inaccessible:* **The double doors for the accessible entrance were not at least 32 inches wide** due to a bar in the middle of the door, with only a 24 inch clearance on each side.
- *Operationally inaccessible:* **The precinct lacked readable signs posted to guide voters to the accessible entrance from the street and parking.** The route to the accessible entrance was unobstructed, with no abrupt rise and all heavy doors were propped open. Additionally, the touch screen was placed so that the screen was not visible to other voters, and was placed in an area that provided five feet of turning space in front of the machine. The precinct had all of the proper assistive devices available.

Powell Elementary School (1350 Upshur St. NW) – Precinct 47*

- *Comparison to 2010 Primary Election Report:* The precinct, in contrast to the prior election, provided signs directing voters to accessible back entrance.
- *Structurally accessible:* The precinct was structurally accessible. However, the accessible entrance was not located at the main voter entrance.
- *Operationally inaccessible:* Designated accessible street parking was made available, and readable signs were posted to guide voters to the accessible entrance. **Doors with external handles or that are otherwise difficult to open were not propped open and loose mats or rugs were not secured with duct tape. The elevator was not working.** Voters in wheelchairs were afforded privacy, the precinct had all of the proper assistive devices available, and the touch screen machine provided five feet of turning space in front of machine.

Truesdell Elementary School (800 Ingraham St, NW) – Precinct 56*

- *Comparison to 2010 Primary Election Report:* This precinct improved by providing readable signage directing voters to the accessible main entrance and ensuring an accessible route from the designated accessible street parking to the precinct entrance. However, as in the previous election, the precinct's accessible route was obstructed by closed doors and unsecured mats.
- *Structurally accessible:* The precinct was structurally accessible. However, the accessible entrance was not located at the main voter entrance.
- *Operationally inaccessible:* **The accessible route from the designated accessible street parking to the voting machine was obstructed by locked doors and unsecured mats.** A door bell was placed at the front of the building, to which poll workers responded. Voters in wheelchairs were afforded privacy, the precinct had all of the proper assistive devices available, and the touch screen machine provided five feet of turning space in front of machine. However, a poll monitor reported that the precinct was short-staffed with no curb-side assistance or ballot clerk available.

McKinley Technology High School (151 T Street, NE) – Precinct 75*

- *Comparison to 2010 Primary Election Report:* This precinct was operationally inaccessible during the 2010 primary election due to locked doors, steep downward slopes to the voting booths, and poorly marked accessible entrance. These problems remained for the Special Election.
- *Structurally accessible:* The precinct was structurally accessible.
- *Operationally inaccessible:* This precinct had designated accessible parking and readable signs were posted to guide voters to the accessible access. No doorbell was placed at curbside, however upon request, poll workers stated they would place a doorbell at the curbside and at the wheelchair accessible entrance. All doorways along the accessible entrance were at least 32 inches wide (although originally this was not the case – the precinct captain had to open an interior second double door to ensure accessibility). **However, the accessible doors were locked.** Voters in wheelchairs were afforded privacy, the precinct had all of the proper assistive devices available, and the touch screen machine provided five feet of turning space in front of machine.

Delta Towers Apartment (1400 Florida Avenue, NE) – Precinct 77*

- *Comparison to 2010 Primary Election Report:* During the 2010 primary election, the precinct did not provide designated accessible spaces for voters or designated street parking, and the interior accessible route was obstructed with a loose mat. This precinct reported improvements, providing designated street parking, securing loose mats with duct tape. The precinct continued to not provide all of the proper assistive devices.
- *Structurally accessible:* The precinct was structurally accessible and the main voter entrance was also the accessible entrance.
- *Operationally inaccessible:* This precinct had accessible street parking, with a sign posted close to the curb along with a portable doorbell. However, **readable signs were not posted to guide voters to the accessible entrance from the street and parking.** Heavy doors were propped open and loose mats/rugs were secured with duct tape. **Audio headsets were not available at the touch-screen machine and a magnifying glass was**

not available at the voting demonstration table. The touch screen voting machine provided five feet of turning space in front of the machine.

J.O. Wilson Elementary School (660 K St. NE) – Precinct 83*

- *Comparison to 2010 Primary Election Report:* The precinct reported improvements during the Special Election, providing a working doorbell, voter privacy, and a five feet turning space in front of the touch screen voting machine. However, the precinct again failed to provide accessible voter entrance signs at the front of the building to guide voters.
- *Structurally accessible:* The precinct was structurally accessible. However, the accessible entrance was not located at the main voter entrance.
- *Operationally inaccessible – **The precinct lacked proper signs to guide voters to the accessible entrance from the street, where parking was available.*** Signs were placed on the side of the building, but not in the front. The precinct had all of the proper assistive devices available, voters in wheelchairs were afforded privacy, and the touch screen machine provided five feet of turning space in front of machine.

Watkins Elementary School (420 12th St, SE) – Precinct 91*

- *Comparison to 2010 Primary Election Report:* During the 2010 Primary Election the precinct was structurally inaccessible because the route from the street to the voting area was obstructed by a doorway that was less than 32 inches and an abrupt rise. ULS and BOEE performed a site visit prior to the election, at which time BOEE staff promised that the double doors would be propped open for accessibility. However, on the day of the election, BOEE staff stated that DC public schools never allow doors to be propped, meaning that this site was once again inaccessible. As ULS has previously requested, this precinct *must* be relocated to an accessible location.
- *Structurally inaccessible: **The route from the street to the voting area is obstructed by a doorway that is less than 32 inches wide.*** Additionally, while the precinct parking lot had two permanently designated accessible spaces, both were used by the school staff.
- *Operationally inaccessible:* Readable signs were posted to guide voters to the accessible entrance from the street and parking, however **doors were not propped open and rugs were not secured with duct tape.** A doorbell was placed on the side walk and poll workers were responsive. **No assistive devices were made available and the touch screen machine did not provide five feet of turning space in front of machine.** Additionally, a wheelchair user could not reach the touch screen. A poll monitor indicated that the voting for seniors and persons with disabilities extension was balled up under the table, and a blind person could have tripped over the extension cord on the floor.

Plummer Elementary School (4601 Texas Ave, SE)- Precinct 103

- *Comparison to 2010 Primary Election Report:* Representing an improvement from the 2010 Primary Election, this precinct had designated accessible street parking and ensured the route to the voting area was not obstructed by an object or closed door. Further, all assistive devices were made available.
- *Structurally accessible:* The precinct was structurally accessible and the main voter entrance was also the accessible entrance.

- *Operationally accessible:* The route from the accessible designated street parking to the voting machine was unobstructed. The precinct posted readable signs to guide voters to the accessible entrance from the street and parking. Heavy doors were propped open, however loose mats or rugs were not secured with duct tape. The precinct had all of the proper assistive devices available, the touch screen machine was private, and the touch screen provided a five foot turning radius around the machine.

Union Temple Baptist Church (1224 W St. SE) – Precinct 114*

- *Comparison to 2010 Primary Election Report:* In the 2010 primary election this precinct was structurally inaccessible, with the accessible path obstructed by a doorway that was less than 32 inches wide, and a loose rug. No improvements were reported by the poll monitor.
- *Structurally inaccessible:* This precinct was structurally inaccessible because the **accessible path was obstructed by a doorway less than 32 inches wide and an abrupt rise greater than one half inch**, preventing an individual in a wheelchair from entering the voting area.
- *Operationally inaccessible:* The polling place has a parking lot with an accessible route to the voting entrance, but **the parking lot is uneven which may make it difficult for persons with disabilities to cross**. No doorbell was placed at the parking lot and **no readable signs were posted to guide voters to the accessible entrance**. The accessible path had an abrupt rise of greater than one half inch, and **heavy doors were not propped open**. The precinct had all of the proper assistive devices available, the touch screen machine was private, and the touch screen provided a five foot turning radius around the machine.

Lutheran Church of the Reformation (212 E. Capitol St, NE) – Precinct 130

- *Comparison to 2010 Primary Election Report:* Previously, this precinct was structurally inaccessible due to a narrow elevator and operationally inaccessible because it did not designate accessible parking and the doorbell malfunctioned. During this Special Election the poll monitor reported that the elevator, while narrow, met the minimum accessibility requirements; however, there were some problems with signage to guide voters.
- *Structurally accessible:* The precinct was structurally accessible and the main voter entrance was also the accessible entrance.
- *Operationally accessible:* This precinct had accessible street parking with signs visible from the street and front of the church. There were no signs guiding voters from the inaccessible back parking lot to use accessible parking at the front. The captain stated that there had been signs which must have blown away. All necessary doors were propped open. The precinct had loose mats, but they were secured after the polling monitor brought the matter to the polling captain's attention. A voter in wheelchair was required to use the elevator to reach the polling place, and no problems were reported. The elevator was big enough to accommodate a wheelchair user, a voter in a wheelchair could reach the call buttons, and all controls were marked with Braille characters. The precinct had all of the proper assistive devices available, the touch screen machine was private, and the touch screen provided a five foot turning radius around the machine.

Mt. Bethel Baptist Church (1901 1st Street, NW) - Precinct 135*

- *Comparison to 2010 Primary Election Report:* No polling place accessibility checklist was completed for Precinct 35 during the 2010 primary elections.
- *Structurally accessible:* The main voter entrance was the accessible entrance, and no structural inaccessibility was reported.
- *Operationally inaccessible:* The precinct had designated accessible street parking however, there was no portable doorbell stand next the parking space. Readable signs were posted to guide voters to the accessible entrance from the street and parking, and the route from the accessible parking space to the voting machine was unobstructed. **Heavy doors were not propped open.** While someone was supposed to be outside to help open the doors, they were not stationed at the door continuously. **No assistive devices were made available** at the voting demonstration table, check-in table, or at the touch-screen machine. **Additionally, the touch screen was not placed in plain sight** and voters in wheelchairs may not have known it was there.

Garrison Elementary School (1200 S St. NW) – Precinct 137*

- *Comparison to 2010 Primary Election Report:* In the 2010 Primary Election, serious operational and structural deficiencies were reported, and it was recommended that the polling precinct be relocated to an accessible location. During this special election, structural and operational accessibility issues remained at this precinct site. ULS and BOEE performed a site visit prior to the election, at which time BOEE staff promised that the heavy doors would be propped open for accessibility. However, on the day of the election, BOEE staff stated that DC public schools never allow doors to be propped, meaning that this site was once again inaccessible. As ULS has previously requested, this precinct *must* be relocated to an accessible location.
- *Structurally accessible:* No structural inaccessibility was reported.
- *Operationally inaccessible:* **The precinct did not provide designated accessible parking lot spaces or street parking.** Readable signs were posted to guide voters to the accessible entrance from the street. However, the **heavy entrance doors were not propped open and mats were not secured with duct tape. No doorbell was placed outside the heavy doors, and internal doors to the polling area were also closed. The internal doors to the cafeteria (where voting is held) were not propped open, and each single side was less than 32 inches wide,** preventing wheelchair riders from entering the voting area. **Magnifying glasses were not available at the check-in table. The touch screen machine did not provide a five foot turning radius around the machine and could not be reached by a wheelchair user.**

**APPENDIX A
PRECINCTS MONITORED DURING THE APRIL 26, 2011 SPECIAL ELECTION**

Pct	Polling Place	Address
22	Garnet-Patterson Junior High School	2001 10 th St., NW
23	MPD Boys and Girls Club	2500 14 th St, NW
34	Edmund Burke School	2955 Upton St. NW
38	Cesar Chavez Prep Charter Middle School	770 Kenyon St. NW
45	MPD – Regional Operation Command	801 Shepherd St, NW
46	E.L. Haynes Public Charter School	4501 Kansas Ave. NW
47	Powell Elementary School	1350 Upshur St. NW
56	Truesdell Elementary School	800 Ingraham St, NW
75	McKinley Technology High School	151 T Street, NE
77	Delta Towers Apartment	1400 Florida Avenue, NE
83	J.O. Wilson Elementary School	660 K St. NE
91	Watkins Elementary School	420 12 th St, SE
103	Plummer Elementary School	4601 Texas Ave, SE
114	Union Temple Baptist Church	1224 W St. SE
130	Lutheran Church of the Reformation	212 E. Capitol St, NE
135	Mt. Bethel Baptist Church	1901 1st Street, NW
137	Garrison Elementary School	1200 S St. NW

APPENDIX B

Breakdown of Operationally Inaccessible Polling Sites:

PRECINCTS SURVEYED WITH DOORS THAT WERE NOT PROPPED OPEN TO ACCOMMODATE PEOPLE WHO USE WHEELCHAIRS

<u>Precinct Name</u>	<u>Precinct Number</u>
1. Powell Elementary School	Precinct 47
2. Truesdell Elementary School	Precinct 56
3. McKinley Technology High School	Precinct 75
4. Watkins Elementary School	Precinct 91
5. Union Temple Baptist Church	Precinct 114
6. Mt. Bethel Baptist Church	Precinct 135
7. Garrison Elementary School	Precinct 137

PRECINCTS SURVEYED WITH INACCESSIBLE ELEVATORS

<u>Precinct Name</u>	<u>Precinct Number</u>
1. Powell Elementary School	Precinct 47

PRECINCTS SURVEYED WITH NO SIGNAGE TO DIRECT PEOPLE TO ACCESSIBLE ENTRANCE OR SIGNS THAT GAVE INACCURATE DIRECTION OR WERE UNREADABLE

<u>Precinct Name</u>	<u>Precinct Number</u>
1. E.L. Haynes Public Charter School	Precinct 46
2. J.O. Wilson School	Precinct 83
3. Union Temple Baptist Church	Precinct 114

PRECINCTS SURVEYED WITH NO DESIGNATED ACCESSIBLE PARKING

<u>Precinct Name</u>	<u>Precinct Number</u>
1. MPD Boys and Girls Club	Precinct 23
3. Garrison Elementary School	Precinct 137

PRECINCTS SURVEYED WITH NO DOORBELL OR NON-FUNCTIONING DOORBELL OR WHERE THE POLL WORKER WAS UNRESPONSIVE TO THE DOORBELL

<u>Precinct Name</u>	<u>Precinct Number</u>
1. Garnet-Patterson Junior High School	Precinct 22
2. Mt. Bethel Baptist Church	Precinct 35
3. McKinley Technology High School	Precinct 75
4. Union Temple Baptist Church	Precinct 114
5. Garrison Elementary School	Precinct 137

PRECINCTS SURVEYED THAT DID NOT HAVE MAGNIFYING GLASSES OR AUDIO HEADSETS TO FACILITATE VOTING

<u>Precinct Name</u>	<u>Precinct Number</u>
1. Delta Towers Apartments	Precinct 77
2. Mt. Bethel Baptist Church	Precinct 35
3. Watkins Elementary School	Precinct 91
4. Garrison Elementary School	Precinct 137

PRECINCTS SURVEYED THAT DID NOT HAVE VOTING MACHINES TURNED FOR VOTOR PRIVACY AND/OR A FIVE FOOT TURNING RADIUS

<u>Precinct Name</u>	<u>Precinct Number</u>
1. Garnet-Patterson Junior High School	Precinct 22

2. MPD Boys and Girls Club
3. Watkins Elementary School
4. Garrison Elementary School

Precinct 23
 Precinct 91
 Precinct 137

PRECINCTS SURVEYED THAT DID NOT SECURE LOOSE MATS OR RUGS WITH DUCT TAPE

Precinct Name

Precinct Number

- | | |
|-------------------------------------|--------------|
| 1. Edmund Burke School | Precinct 34 |
| 2. MPD – Regional Operation Command | Precinct 45 |
| 3. Powell Elementary School | Precinct 47 |
| 4. Truesdell Elementary School | Precinct 56 |
| 5. Watkins Elementary School | Precinct 91 |
| 6. Plummer Elementary School | Precinct 103 |
| 7. Garrison Elementary School | Precinct 137 |