

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

Testimony of Kristina Majewski, Staff Attorney
Disability Rights DC at University Legal Services

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Thank you for the opportunity to testify about the DC Board of Election's (BOE) obligation to ensure that all DC residents with disabilities have a full and equal opportunity to vote. I am Kristina Majewski, a staff attorney at Disability Rights DC (DRDC) at University Legal Services. DRDC is the designated Protection and Advocacy Program for the District of Columbia that advocates on behalf of DC residents with disabilities to promote their equal access to polling sites, among other programs, and facilities. For the past fourteen 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.¹

During the 2016 Presidential General Election, DRDC staff and volunteers surveyed the District's polling sites—targeting the precincts that we identified as most problematic based on our past surveys. Based on an accessibility checklist developed by DRDC, our surveyors found 17% of the surveyed sites were structurally inaccessible, meaning voters with mobility disabilities could not enter the building to vote due to inaccessible ramps, narrow doorways, broken elevators, or other issues that poll workers could not resolve. Additionally, over half (53%) 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 (which cannot be opened by people with manual dexterity or mobility limitations), or post signs directing voters to accessible entrances. This rate of inaccessibility was consistent with our findings from the 2016 June Presidential Primary, which we published in a public report² and shared with BOE and this Committee.

¹ 52 U.S.C. § 20901 *et seq.* (2002) (formerly cited as 42 U.S.C. § 15301, *et seq.*).

² DC Voting Access Report (June 2016 Presidential Primary Election), available at <http://www.uls-dc.org/DC%20Voting%20Access%20Report%20%20June%2014.%202016%20Presidential%20Primary.pdf>.

Together with voting rights advocates, DRDC continues to meet with and urge BOE to relocate all structurally inaccessible polling sites and remove access barriers at all sites prior to Election Day. Most recently, we reviewed BOE's proposed notices of polling site relocations for the June 19th Primary published in the December DC Register. BOE relocated at least one inaccessible polling place, but continues to use several inaccessible sites that we have previously identified as problematic. Last month, DRDC again urged BOE to relocate these inaccessible polling places that pose barriers and prevent people with mobility disabilities from voting independently. For example, the cracked and obstructed pathway at Perry Street Preparatory School (Pct. 69) leads to the "accessible" entrance all the way in the back of the building (next to dumpsters). This creates a hazard for voters with mobility disabilities, many of whom cannot circumvent the building. Moreover, several precincts have ramps that are too steep and lack sufficient landing space (5-foot radius) for people in wheelchairs, which impedes access at the School Without Walls (Pct. 4), Christ Episcopal Church (Pct. 5), and Goodwill Baptist Church (Pct. 25), among several other sites.

While, BOE still has a significant amount of work to do to remove all structural and operational barriers this election year, it did resolve a long-standing access issue raised by DRDC. In response to joint advocacy efforts by DRDC, the BOE, DC Auditor, Office of Disability Rights, school principals, and disability voting rights advocates, DC public and public charter schools will be closed during the June 2018 Mayoral Primary Election due to the summer vacation schedule. This alleviates the purported security reason for BOE's failure to prop open polling place schoolhouse doors to allow entry by voters with disabilities. As we previously testified, DC should close schools on all future election days. This policy would align with recommendations by the Presidential Commission on Election Administration, and many states and neighboring counties in Delaware, Maryland, and Virginia. We continue to advocate that BOE work with DCPS to close schools to students for the November 6, 2018 Mayoral General Election.

DRDC continues to urge BOE to make the necessary changes to ensure that all DC voters can exercise their right to enter polling sites and vote independently. We remain committed to shedding light on the barriers that voters with disabilities encounter and working with BOE to achieve full accessibility during all future elections.