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11 UNITED STATES DISTRICT COURT
12 FOR THE CENTRAL DISTRICT OF CALIFORNIA
13 WESTERN DIVISION

14 UNITED STATES OF AMERICA,
15 Plaintiff,
16 v.
17 LOS ANGELES COUNTY,
18 CALIFORNIA,
19 Defendant.

Case No. 2:23-cv-05165

**COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF**

20
21 **COMPLAINT**

22 Plaintiff, the United States of America, alleges as follows:

23 **I. INTRODUCTION**

24 1. The United States brings this action to enforce Title II of the Americans
25 with Disabilities Act of 1990, as amended (“ADA”), 42 U.S.C. §§12131–12134, and its
26 implementing regulation, 28 C.F.R. Part 35, against Los Angeles County, California,
27 acting through its Registrar-Recorder. Los Angeles County is responsible for selecting
28 and providing accessible facilities to be used as polling places or vote centers for federal,

1 state, and local elections and for overseeing the County's voting program. Los Angeles
2 County has violated the ADA by failing to provide a voting program that is accessible to
3 persons with mobility and vision disabilities.

4 **II. JURISDICTION AND VENUE**

5 2. This Court has jurisdiction of this action under 28 U.S.C. §§ 1331 and 1345,
6 and 42 U.S.C. § 12133. The Court may grant declaratory and other relief pursuant to 28
7 U.S.C. §§ 2201 and 2202.

8 3. Venue is proper under 28 U.S.C. § 1391(b) because a substantial part of the
9 events or omissions giving rise to the United States' claims occurred in the Central
10 District of California, a substantial part of property that is the subject of the United
11 States' action is situated in the Central District of California, and Defendant is located in
12 the Central District of California.

13 **III. PARTIES**

14 4. Plaintiff is the United States.

15 5. Defendant Los Angeles County, California, including its respective
16 departments, agencies, and other instrumentalities, is a "public entity" within the
17 meaning of 42 U.S.C. § 12131(1) and 28 C.F.R. § 35.104, and is therefore subject to
18 Title II of the ADA, 42 U.S.C. §§ 12131-12134, and its implementing regulation, 28
19 C.F.R. Part 35.

20 **IV. FACTUAL ALLEGATIONS**

21 6. Los Angeles County, through its Registrar-Recorder (hereinafter,
22 collectively, the "County"), is responsible for the administration of federal, state, and
23 local elections, including the selection of facilities to be used as polling places or vote
24 centers. The County is also responsible for assessing and ensuring the physical
25 accessibility of each polling place facility.

26 7. In April 2016, the United States opened an investigation of the County's
27 voting program to assess compliance with Title II. The United States conducted
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1 architectural surveys of eighty-eight polling places used by the County during the June 7,
2 2016 primary election.

3 8. Of the eighty-eight polling places that the United States surveyed in the
4 June 7, 2016 election, only fifteen complied with Title II, its regulation, and the
5 applicable 1991 and 2010 ADA Standards for Accessible Design, while the remaining
6 seventy-three sites were non-compliant. Based on the June 2016 surveys and other
7 information, the United States informed the County on September 13, 2016, that it was
8 in violation of Title II by denying voters with disabilities an equal opportunity to
9 participate in the County's voting programs, services, and activities, including by failing
10 to select facilities to be used as polling places that are accessible to persons with
11 disabilities.

12 9. In September 2016, under California Senate Bill 450, counties could move
13 to replace polling places with vote centers. Beginning with the March 3, 2020 election,
14 Los Angeles County voters can cast a ballot at any vote center in the County. Voters may
15 also vote using a vote-by-mail ballot.

16 10. During the March 3, 2020 election, the United States conducted
17 architectural surveys of 106 of the more than 975 vote centers used by the County. The
18 United States found that all 106 vote centers surveyed were non-compliant with Title II,
19 its regulation, and the applicable 1991 and 2010 ADA Standards for Accessible Design.

20 11. Each of the surveyed vote centers had non-compliant elements or features,
21 including, for example, a lack of van accessible parking; locked gates, wide gaps, abrupt
22 level changes, and excessive cross slopes on designated accessible routes; ramps with
23 steep running slopes; entrances and/or exits that were too narrow, lacked level landings,
24 or had high thresholds; interior routes that had protruding objects; and voting areas with
25 narrow routes and a lack of adequate turning space at voting machines.

26 12. During the November 3, 2020 general election, the United States surveyed
27 an additional sixty-five of the 750 vote centers used by the County to determine if they
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1 were compliant with Title II, its regulation, and the applicable 1991 and 2010 ADA
2 Standards for Accessible Design. Each of the surveyed vote centers had non-compliant
3 elements or features, including, for example, a lack of van accessible parking; wide gaps,
4 abrupt level changes, and excessive cross slopes on designated accessible routes; ramps
5 with steep running slopes; entrances and/or exits that were too narrow, lacked level
6 landings, or had high thresholds; and interior routes that had protruding objects; and
7 voting areas with narrow routes.

8 13. During the November 2020 general election, the United States also
9 surveyed ballot drop boxes at seven vote center sites. Four of the ballot drop boxes had
10 non-compliant elements or features, including, for example, the lack of an accessible
11 route from the public sidewalk to the ballot drop box and the lack of sufficient or level
12 ground space in front of the ballot drop box.

13 14. During the November 8, 2022 general election, the United States surveyed
14 fifty-two of the 642 vote centers used by the County to determine if they were compliant
15 with Title II, its regulation, and the applicable 1991 and 2010 ADA Standards for
16 Accessible Design. Each of the surveyed vote centers had non-compliant elements or
17 features, including, for example, a lack of van accessible parking; wide gaps, abrupt
18 level changes, and excessive cross slopes on designated accessible routes; ramps with
19 steep running slopes and without the required handrails; entrances and/or exits that were
20 obstructed or too narrow, lacked level landings, or had high thresholds; interior routes
21 that had protruding objects; and voting areas with narrow routes.

22 15. During the November 2022 general election, the United States surveyed
23 ballot drop boxes at ten vote center sites. Six of the ballot drop boxes had non-compliant
24 elements or features, including, for example, the lack of an accessible route from the
25 public sidewalk to the ballot drop box and the lack of sufficient or level ground space in
26 front of the ballot drop box.

1 16. The County's vote centers include facilities that the United States identified
2 in its September 13, 2016 letter as non-compliant with Title II, its regulation, and the
3 applicable 1991 and 2010 ADA Standards for Accessible Design. The County continues
4 to use such facilities in federal, state, and local elections, without providing a temporary
5 or permanent measure to correct the non-compliant features.

6 17. For example, the County re-used the First Church of the Nazarene in
7 Pasadena in the March 2020 primary election, even though, *inter alia*, the designated
8 accessible parking space lacked signage and did not have an adequate minimum width
9 access aisle or the required level surface; and exterior routes to the vote center entrance
10 included abrupt changes in level, and slopes that exceeded the maximum requirements.

11 18. The County also re-used the Valley Plaza Recreation Center in North
12 Hollywood in the March 2020 primary election. But the County did not address non-
13 compliant features of the accessible route that the Department had identified in 2016.

14 19. The County also re-used the Downey Elks Lodge #2020 in Downey in the
15 March 2020 primary election. At that location, the County corrected the noncompliance
16 we identified in the 2016 election (a wire across the floor in the route in the voting area)
17 but introduced a number of new noncompliant elements by changing the entrance to one
18 that included steps.

19 20. The County continued to use the Imperial Courts Recreation Center as a
20 vote center in the November 2022 general election without the necessary measures to
21 correct its non-compliant features. The United States had identified the Imperial Courts
22 Recreation Center as non-compliant in its list of the 106 inaccessible vote centers which
23 the United States provided to the County on July 31, 2020.

24 21. The County's curbside voting program is also inaccessible to people with
25 disabilities. During the March 2020, November 2020, and November 2022 elections,
26 some vote centers lacked signage indicating curbside voting was available. Some
27 locations had a sign but provided no telephone number for contacting poll officials. And
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1 even where signage and telephone numbers were provided, the County did not provide a
2 way for a voter with a disability without a cell phone to alert election officials inside the
3 polling place that they were waiting outside to vote. The County generally did not post
4 staff to observe the need for curbside voting.

5 22. At least one voter with disabilities complained to the Department of Justice
6 that she had difficulty accessing the County's curbside voting system. D.G., a voter who
7 uses a wheelchair, went to vote at a polling place located at a senior facility on
8 Devonshire Street in Chatsworth, California, within Los Angeles County, in the August
9 2019 special election.

10 23. Although a curbside voting sign was posted in front of the parking area at
11 the Devonshire Street polling place, no polling official or staff were outside the facility
12 to identify or assist curbside voters. The County had not provided a buzzer or other
13 mechanism by which D.G. could alert the polling staff that she wished to vote curbside.
14 D.G. was able to vote only because a family member who happened to accompany her
15 was able to enter the polling place, wait in line and register for D.G., bring D.G.'s
16 driver's license inside to have the polling staff check identification, bring a ballot outside
17 for D.G. to vote, and finally bring the completed ballot inside the facility to the polling
18 staff. D.G.'s family member also had to complete the ballot for D.G. because D.G. needs
19 a stable surface to write on and the polling staff did not provide a clipboard. During that
20 entire voting process, no polling staff or official from that polling place ever assisted
21 D.G. in curbside voting. D.G. reported feeling dismayed and frustrated by her treatment
22 at the polling place and that she felt as if she had lost her freedom to vote privately and
23 independently like everyone else.

24 24. On May 16, 2023, the United States issued a Letter of Findings to the
25 County pursuant to 28 C.F.R. § 35.172. In that Letter, the United States advised the
26 County of its findings about inaccessible vote centers from the March 2020, November
27 2020, and November 2022 elections, inaccessible ballot drop boxes from the November
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1 2020 and 2022 elections, and the inaccessible curbside voting system. The United States
2 advised the County that its use of physically inaccessible vote centers and its curbside
3 voting system violated Title II.

4 25. All conditions precedent to the filing of this Complaint have occurred or
5 been performed. 28 C.F.R. Part 35, Subpart F.

6 **V. DEFENDANT COUNTY'S VIOLATIONS OF TITLE II OF THE ADA**

7 26. The United States re-alleges and herein incorporates by reference the
8 allegations set forth in paragraphs 1-25 above.

9 27. Defendant County excludes qualified individuals with a disability from
10 participation in or denies them the benefits of the County's voting services, programs, or
11 activities, or subjects them to discrimination, on the basis of disability, in violation of
12 Title II of the ADA, 42 U.S.C. § 12132, and its implementing regulation, 28 C.F.R. Part
13 35, by, *inter alia*:

14 a. affording qualified individuals with disabilities an opportunity to
15 participate in or benefit from the County's voting services that is not equal to that
16 afforded to nondisabled individuals, in violation of 28 C.F.R. § 35.130(b)(1)(ii);

17 b. providing a qualified individual with a disability with an aid, benefit,
18 or service that is not as effective in affording equal opportunity to obtain the same
19 result, to gain the same benefit, or to reach the same level of achievement as that
20 provided to others, in violation of 28 C.F.R. § 35.130(b)(1)(iii);

21 c. limiting qualified individuals with disabilities in the enjoyment of the
22 voting rights, privileges, advantages, or opportunities enjoyed by nondisabled
23 individuals, in violation of 28 C.F.R. § 35.130(b)(1)(vii);

24 d. selecting facilities to be used as polling places and voting centers
25 that have the effect of excluding individuals with disabilities from, denying them
26 the benefits of, or otherwise subjecting them to discrimination, or that have the
27 purpose or effect of defeating or substantially impairing the accomplishment of
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1 the objectives of the service, program, or activity with respect to individuals with
2 disabilities, in violation of 28 C.F.R. § 35.130(b)(4);

3 e. failing to administer the County's voting services, programs, and
4 activities in the most integrated setting appropriate to the needs of persons with
5 disabilities, in violation of 28 C.F.R. § 35.130(d);

6 f. subjecting qualified individuals with disabilities to discrimination
7 because the facilities used in the County's voting program are inaccessible to or
8 unusable by individuals with disabilities, in violation of 28 C.F.R. § 35.149; and

9 g. failing to operate the County's voting program, service, or activity so
10 that, when viewed in its entirety, it is readily accessible to and usable by
11 individuals with disabilities, in the most integrated setting appropriate, in violation
12 of 28 C.F.R. §§ 35.150 and 35.151.

13 28. The individual referenced above, and others, have been and continue to be
14 harmed and aggrieved by the County's ADA violations.

15 VI. RELIEF REQUESTED

16 WHEREFORE, the United States requests that the Court enter an ORDER that:

17 A. Grants judgment in favor of the United States and declares that Defendant's
18 actions violate Title II of the ADA, 42 U.S.C. §§ 12131-12134, and its implementing
19 regulation, 28 C.F.R. Part 35;

20 B. Enjoins Defendant, its agents and successors in office, and all persons
21 acting in concert with Defendant from failing or refusing promptly to comply with the
22 requirements of Title II of the ADA and its implementing regulation;

23 C. Orders Defendant, its agents and successors in office, and all persons acting
24 in concert with Defendant promptly to develop a plan, within 30 days of this Court's
25 order, to remedy the demonstrated violations of Title II of the ADA and its implementing
26 regulation, and to fully and completely remedy the violations; and

27 D. Orders such other appropriate relief as the interests of justice may require.
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1 Dated: June 29, 2023

Respectfully submitted,

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