

# DC VOTING ACCESS REPORT ON THE JUNE 2, 2020 PRIMARY ELECTION



Photo of Oyster-Adams Bilingual School (Voting Center 6)<sup>1</sup> on May 26, 2020

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<sup>1</sup> This photo of voting center 6 (Oyster-Adams Bilingual School) depicts the main entrance with an uneven dirt path through a gated entrance that is not accessible for safe access by voters who have mobility impairments.

## INTRODUCTION

This report analyzes surveys of voting center accessibility conducted by Disability Rights DC at University Legal Services (DRDC) throughout the District of Columbia during early voting and on Election Day for the June 2, 2020 Primary Election. DRDC is the protection and advocacy (P&A) agency federally mandated to represent people with disabilities and ensure their access to facilities, services, and programs in DC. The Help America Vote Act of 2002 (HAVA) charged P&As throughout the nation, including DRDC, 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). In a settlement agreement arising from *AAPD v. District of Columbia*, DC agreed to make all precincts accessible to persons with disabilities by the 2004 Presidential Primary.

DRDC has surveyed polling precincts during Presidential and DC major elections and reported on polling place accessibility to the DC Board of Elections (BOE or Board) and the public since 2004.<sup>2</sup> In addition to conducting surveys and producing reports, DRDC testifies before the DC Council about accessibility issues, meets with BOE officials, and assists with accessibility training for election day workers and surveyors. For example, for the past 18 years, DRDC has provided BOE a checklist that lists the steps polling staff can take to make polling places accessible (*e.g.*, posting signs directing voters with disabilities to the accessible entrance). DRDC’s accessibility checklist has been adopted as a national model by Project Vote, a national disability voting rights organization. DRDC also advocates to resolve barriers to accessibility on Election Day and recommends solutions tailored to ongoing and ever-evolving problems.

One current, ever-evolving problem is BOE’s response to the coronavirus (COVID-19) pandemic for voters with disabilities. Because of COVID-19, BOE restructured its procedures for the Primary Election through its significant reduction of polling places from 144 to 20 and its reliance on mail-in/absentee ballots. DRDC agrees that COVID-19 poses a real and imminent threat to the lives of all DC residents, and DRDC understands that BOE must respond to this unprecedented challenge. But this response must ensure the full participation of voters with disabilities in the electoral process and the political power of the disability community. As described more fully below, BOE’s response has resulted in additional accessibility barriers.

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<sup>2</sup> *See, e.g.*, DRDC, DC Voting Access: The June 18, 2018 Presidential Primary Election (2018), <http://uls-dc.org/media/1175/drdc-dc-voting-access-report-june-19-primary.pdf>; DRDC, DC Voting Access: The June 16, 2016 Presidential Primary Election (2016), <http://www.uls-dc.org/media/1161/dc-voting-access-report-june-14-2016-presidential-primary.pdf>; DRDC, DC Voting Access: The November 4, 2014 Mayoral Election (2014), <http://www.uls-dc.org/DC%20Voting%20Access%20Report%20The%20November%204,%202014%20Mayoral%20Election.pdf>; DRDC, DC Voting Access: The April 1, 2014 Mayoral Primary (2014), <http://www.uls-dc.org/HAVA%20ULS%204%201%2014%20Mayoral%20Primary%20Report%20Final.pdf>; DRDC, DC Voting Access: The April 23, 2013 Special Election (2013), <http://www.uls-dc.org/HAVA%20ULS%204.23.13%20Special%20Election%20Final%20Report.pdf>; DRDC, DC Voting Access during the April 3, 2012 Presidential Primary (2012), (on file with the author); DRDC, DC Voting Access during the April 26, 2011 Special Election (2011), (on file with the author); DRDC, No Parity at the Polls: Four Years Later, Accessibility Survey for the February 12, 2008 Presidential Primary Election (2008), (on file with the author).

DRDC documents and reports accessibility barriers to promote 100% accessibility for DC voters with disabilities. This report discusses the voting centers DRDC surveyed during early voting and on Election Day, June 2, 2020 and identifies issues that hindered access by voters with disabilities to enter voting areas and cast their ballots. It was authored by Peter Stephan (DRDC Staff Attorney), who conducted all the surveys and analyzed the data.

### **Survey Methodology**

Voting centers were labeled ***structurally inaccessible*** when voters with disabilities could not get to the voting area or vote due to issues that poll workers could ***not*** have remedied (*e.g.*, stairs, non-Americans with Disabilities Act (ADA) compliant ramps, broken elevators, and/or narrow doorways).<sup>3</sup> Voting centers are labeled ***operationally inaccessible*** when voters with disabilities could not get to the voting area or vote due to issues that poll workers ***could have remedied*** (*e.g.*, barriers in the path to the accessible entrance that were not removed, incorrect or missing signage, broken doorbells, and/or no available assistive equipment).

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<sup>3</sup> In addition to the standard definition of “independent”, as used in this report, the term encompasses whether a voter can reach a doorbell and/or automatic door without assistance and enter the voting area by virtue of responsive voting center staff or automatic door activation.

## RESULTS OF ACCESSIBILITY SURVEYS

During the June 2, 2020 Primary Election, DRDC surveyed all 20 voting centers (100% of the voting centers). **5% of the surveyed voting centers were *structurally inaccessible* (1 location).** Previously, 14% of the surveyed voting centers (17 of 121) were structurally inaccessible during the 2018 Primary Election. DRDC also found that 8% of surveyed precincts (3 of 41) were structurally inaccessible during the November 2018 General Election. The substantial reduction from 144 to 20 polling places due to COVID-19 contributed to a significant decrease in structural inaccessibility but created additional accessibility barriers discussed below. For the 2020 Primary Election, DRDC found **fifty percent (50%) of the surveyed voting centers (10 locations) were *operationally inaccessible*.** This 50% rate is an increase from the 41% operationally inaccessible sites in the 2018 General Election, and the 34% of sites during the 2018 Primary Election. Additionally, the reduction in access to in-person voting and inaccessible and mismanaged absentee balloting created the following additional accessibility barriers.

### Number of Voting Centers

In April, DRDC voiced its concern with BOE's significant reduction of the number of polling places, creating accessibility barriers including greater distances to the polls and predictably longer wait times. The Board acknowledged that unless the majority of registered voters vote by mail "massive lines and delays are expected at the early voting centers" as a result of its plan to reduce polling places to 20 voting centers from 144 precincts.<sup>4</sup> BOE's failure to effectively manage the absentee ballot process (discussed below) resulted in overcrowded voting centers, some of which had wait times of over four hours.<sup>5</sup> This posed great risks to voters' health and safety during the pandemic. Voters with disabilities are far more vulnerable to COVID-19 than the population at-large.<sup>6</sup> It is encouraging that BOE has publicly committed, after proposed legislation from the Mayor and D.C. Council, to opening at least 32 early voting centers and at least 95 voting centers for the General Election.<sup>7</sup> However, the Board's Director, Alice Miller, has stated publicly that the Board again expects long wait times for in-person voting for the General Election on Election Day.<sup>8</sup> DRDC urges BOE to further expand the number of voting centers for the General Election to allow for increased access to polling places and adequate social distancing by reducing long lines.

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<sup>4</sup> The Board acknowledged that unless the majority of registered voters vote by mail "massive lines and delays are expected at the early voting centers" as a result of its plan to reduce polling places to 20 voting centers from 144 precincts. *Vote Safe DC*, DC Board of Elections, <https://www.dcboe.org/Request-Your-Ballot-by-Mail> (last visited April 28, 2020).

<sup>5</sup> Julie Zauzmer, Jenna Portnoy and Erin Cox, *Voting problems in D.C., Maryland lead to calls for top officials to resign*, The Washington Post (June 4, 2020), [https://www.washingtonpost.com/local/dc-politics/voting-problems-in-dc-maryland-lead-to-calls-for-top-officials-to-resign/2020/06/03/24b47220-a5a8-11ea-b619-3f9133bbb482\\_story.html](https://www.washingtonpost.com/local/dc-politics/voting-problems-in-dc-maryland-lead-to-calls-for-top-officials-to-resign/2020/06/03/24b47220-a5a8-11ea-b619-3f9133bbb482_story.html).

<sup>6</sup> *People with Disabilities*, Centers for Disease Control, <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-disabilities.html> (last visited August 13, 2020).

<sup>7</sup> Martin Austerhuhle, *Capital One Arena Will Be A DC Polling Place for November Election*, DCist (August 10, 2020), <https://dcist.com/story/20/08/10/capital-one-arena-will-be-a-dc-polling-place-for-november-election/>.

<sup>8</sup> Alice Miller, BOE Director, Prepared Remarks, DC Council Committee on the Judiciary and Public Safety, public oversight roundtable on the Board of Elections' Preparations for the November 3, 2020 General Election (September 10, 2020).

### **Absentee Ballot Accessibility**

Paper ballots and signature requirements are inaccessible to people who are blind, have low vision, or manual dexterity issues and prevent them from exercising their right to vote privately and independently.<sup>9</sup> Yet BOE relied almost exclusively on paper request forms and absentee ballots for this election. DRDC raised the following recommendations ahead of the election to address this issue: provide alternatives to paper absentee ballots, such as a screen-readable ballot (meaning it can be read out loud using text-to-speech software) that a voter can download and complete at home using accessible technology like a stylus, keyboard, touchscreen, or voice commands, change signature requirements on the absentee ballots and request forms to allow for a mark instead of a signature, and make clear to the public how to request and submit accessible absentee ballots.

BOE failed to implement any of these suggested recommendations; instead, it claimed that the majority of voters would be able to use mail-in ballots and anyone that needed an accessible absentee ballot could call BOE to request one. BOE's notice urging the public to vote by absentee ballot relied heavily on its May 8th mailing of a paper Voting Guide that included request forms for absentee ballots, which is inaccessible to voters with visual and manual disabilities. DRDC's outreach to community members revealed the general public lacked knowledge regarding how to request or use accessible absentee ballots. DC Council's Primary Election Roundtable provided testimony from Councilmember Allen and voters alike verifying that BOE had failed to reach its audience.<sup>10</sup>

BOE intended to mail inaccessible paper ballots to people who submitted timely paper request forms. But BOE failed to provide absentee ballots to hundreds of voters whose requests were submitted timely. BOE explained that this election exposed failures in its IT infrastructure, including longstanding issues with its mobile app that it has now discontinued.<sup>11</sup> Over 500 complaints were received by DC Councilmember Silverman for BOE's failure to provide absentee ballots;<sup>12</sup> there were undoubtedly scores more voters unable to cast their votes without the know-how to vote by email as offered at the last minute by BOE.

The paper absentee ballot request form also confusingly and erroneously included a signature requirement, despite the DC Council waiving that requirement through legislation.<sup>13</sup> This compounded the inaccessibility of the request form, since blind voters and those with manual dexterity limitations cannot sign independently. BOE failed to correct the request form on its website following the legislative action for the Primary. Paper absentee ballots, paper request forms, and signature requirements have been challenged successfully in multiple states under the Americans

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<sup>9</sup> D.C. Code § 1-1001.09(a); D.C. Mun. Reg. tit. 3 § 800.1(h).

<sup>10</sup> Public Oversight Roundtable on the DC Board of Elections June 2, 2020 Primary Election, Judiciary & Public Safety Committee, Council Period 23 (June 19, 2020) (statement of Councilmember Charles Allen, Chairman, Judiciary & Public Safety Committee).

<sup>11</sup> Public Oversight Roundtable on the DC Board of Elections June 2, 2020 Primary Election, Judiciary & Public Safety Committee, Council Period 23 (June 19, 2020) (statement of Michael Bennett, Board Chairman, BOE).

<sup>12</sup> Letter from Councilmember Elissa Silverman to DC Board of Elections Calling for Independent Audit (June 3, 2020), [http://www.elissasilverman.com/dcboe\\_audit\\_letter\\_june\\_3\\_2020](http://www.elissasilverman.com/dcboe_audit_letter_june_3_2020).

<sup>13</sup> Compare D.C. Mun. Reg. tit. 3 § 720.7 with Act A23-0286 § 506, DC Register Vol 67, Page 4215 (Enacted April 10, 2020), <http://lims.dccouncil.us/Legislation/B23-0733>.

with Disabilities Act and the Help America Vote Act.<sup>14</sup> The absentee ballot request form is still being utilized for anyone wanting the ballot delivered to an alternate address for the General Election.

To remedy the problems with the absentee ballot request form, BOE plans to send out paper absentee ballots automatically to all registered DC voters for the November General Election. In preparing to do so, BOE has created additional problems. BOE has mailed another paper form for voters to verify or update their mailing address for the absentee ballot. All paper forms are inaccessible to voters with manual dexterity or vision impairments. Additionally, the mailer includes a perforation that separates the document into two halves; the half to be filled out and returned to BOE provides no space for identifying information to link the voter's registration to the returned form.

Moreover, BOE's plan to mail paper absentee ballots to all qualified registered voters for the General Election does not resolve accessibility issues for these voters who need accessible absentee ballots. DRDC supports BOE's use of OmniBallot, its purportedly accessible balloting option. But without effective outreach and education to voters with visual and manual disabilities to inform them that this accessible option exists and how to request and use it, many of these voters will either be forced to vote in person, exposing themselves and others to the coronavirus, or forced to lose their federally protected right to vote privately and independently.

### **School Closure**

Pursuant to the Mayor's Public Health Emergency Order, DC Public (DCPS) and Public Charter Schools and Department of Public Recreation (DPR) facilities were closed on Election Day. DRDC has long advocated—alongside community partners and commissioners of the Board of Elections—for DCPS and public charter schools to close on Election Day to allow for unfettered access by voters with disabilities who otherwise have difficulty opening heavy school doors. This follows the closure of schools to students for the 2018 primary and general elections.

### **Seven Day Advance Notice Requirement for Ballot Transfers**

DRDC has highlighted voters' right to transfer their ballot to accessible polling sites, if they discover their assigned locations are inaccessible on Election Day. This election year, BOE revised its regulations to require 7-day advance notice from a senior citizen or voter with a disability if they wish to transfer their ballot from one precinct to another on election day. D.C. Mun. Reg. tit. 3 § 700.2. This advance notice requirement is unworkable because voters with disabilities would not know that their assigned polling places are inaccessible until they show up to vote on Election Day. The policy also violates the Americans with Disabilities Act (ADA) because it requires written notice of a request for an accommodation and does not accept verbal requests. DRDC raised concerns with this requirement to BOE in a March 30, 2020 letter. However, BOE has failed to rescind this requirement even though it is unlawful and unworkable. Due to the pandemic, BOE has made temporary changes to allow a DC voter to vote at any voting center. Once the pandemic is over, however, BOE must allow *all* voters with disabilities to cast a "regular ballot" at accessible polling places, rather than subject voters with disabilities to provisional ballots. DRDC continues to urge BOE to rescind this policy.

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<sup>14</sup> See e.g., *Gary v. Virginia Dept. of Elections*, 1:20-cv-860 (E.D. Va. August 27, 2020); *Hernandez v. New York State Board of Elections*, 1:20-cv-4003 (S.D.N.Y. 2020); *Powell v. Benson*, 2:20-cv-11023 (E.D. Mich. May 1, 2020); *Frye v. Gardner*, 1:20-cv-00751 (D.N.H. July 7, 2020); *Semien v. Hughs*, 1:20-cv-789 (W.D. Tex. filed July 24, 2020); *Nielsen v. DeSantis*, 4:20-cv-00236 (N.D. Fla. August 5, 2020); *National Federation of the Blind v. Lamone*, 813 F.3d 494 (4th. Cir. 2016).

## **Barriers to Access the Voting Centers**

DRDC documented several problems that made it difficult or impossible for people with disabilities to enter the voting centers and reach the main voting areas on Election Day. Some problems, such as inaccessible entrances, including unpropped, heavy doors, lack of doorbells, and a non-ADA compliant ramp, effectively deny people with disabilities access to the main voting areas.

### **Lack of an Accessible Entrance – Structurally and/or Operationally Inaccessible**

DRDC documented **1 voting center (Oyster-Adams Bilingual School #6) that lacked a fully accessible entrance.** Entrances are considered inaccessible if: a) the ramp/route to the entrance is too steep, not wide enough, and/or lacks handrails and thus out of compliance with ADA standards, or b) have structural hindrances like uneven paths to the entrance. The front entrance ramp at Oyster-Adams (#6) was inaccessible and impeded access because it lacked handrails and was narrower than 36-inches wide. This voting center's rear entrance was operationally inaccessible because the only access to the ramp was through a gate with a dirt path with a dip across a paved parking lot. The lot entrance was gated and locked, and the gate pathway presented a hazard for voters in wheelchairs and voters with mobility or visual impairments.

### **Lack of Signage – Operationally Inaccessible**

Adequate signage and poll workers stationed along the route to indicate the location of the accessible entrance is crucial to ensuring that voters with mobility and/or visual disabilities can safely and efficiently reach the voting area. DRDC documented **5 of 20 voting centers (25%) with misplaced or insufficient signage that failed to direct people with disabilities to accessible entrances.**<sup>15</sup> This is an increase from the 2018 Mayoral Primary Election where 4 of 122 surveyed polling precincts were reported as lacking sufficient signage. At some of these locations, the accessible entrance was over 100 feet away and difficult to find from the accessible parking lot<sup>16</sup> or street.<sup>17</sup> At Turkey Thicket Recreation Center (#10), the accessible entrance closest to the parking area was locked, with no signage directing voters to the only entrance on the opposite side of the building, and at Prince Hall Center for the Performing Arts (#2), the accessible pathway to the elevator was completely unmarked.

### **Closed Doors, Malfunctioning Doorbells, Lack of Available Workers – Operationally Inaccessible**

For years, DRDC has urged the District to prop open heavy doors, particularly at schools operating as polling places. The inaccessible doors obstruct access to polling sites by voters with vision and mobility disabilities, and those with limited manual dexterity. Until the 2018 Primary Election, DCPS and BOE repeatedly refused to prop open the doors, citing security risks to students, and refused to close the schools to students. Due to the Mayor's Public Health Emergency Order, all schools and public voting center sites were closed to normal operations. If the entrance to a voting center is closed and there is no available assistance to open the door (*i.e.*, a working doorbell and/or poll worker stationed at the entrance), the voting center is considered operationally inaccessible. BOE

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<sup>15</sup> These voting centers were Prince Hall Center for the Performing Arts (#2), Emery Heights Community Center (#8), Turkey Thicket Recreation Center (#10), McKinley Tech High School (#11), and Deanwood Recreation Center (#15).

<sup>16</sup> Turkey Thicket Recreation Center (#10), Deanwood Recreation Center (#15).

<sup>17</sup> Emery Heights Community Center (#8), McKinley Tech High School (#11).

must prop open heavy and/or narrow double-doors<sup>18</sup> so that voters with mobility disabilities may enter the voting area independently without relying on poll workers (who are not always available), and doorbells (even when present do not always work or are not responded to). Furthermore, the District must remove vertical bars and other impediments on all double or narrow doors to provide sufficient space for voters in wheelchairs to enter.

This year, despite the lower number of voting centers and the Mayor's Order that closed most polling sites to normal operations, **DRDC reported a higher percentage (60%) of voting centers that failed to prop open doors** (a 20% increase from the Primary Election 2018).<sup>19</sup> Of the 12 voting centers that did not prop doors open, DRDC staff documented 9 voting centers had a poll worker stationed at the door, or had working automatic door openers. **3 voting centers (15%) with closed, heavy doors that were not propped open, were without working automatic door openers, and did not have BOE staff or doorbells present posed significant access barriers.**<sup>20</sup> Poll worker shortages highlighted the impact of BOE's failure to prop open doors at Sherwood Recreation Center (#13) and Turkey Thicket Recreation Center (#10) because instead scarce poll workers were assigned to open doors.

**DRDC identified 5 out of 20 (25%) voting centers lacked any doorbells, or functioning doorbells, or a poll worker to staff the entrance.**<sup>21</sup> Three voting centers were using doorbells for curbside assistance. Poll workers variously told DRDC they were not using doorbells to mitigate the spread of COVID-19, or that their range would not work when placing them near curbside voting stations for voters to request poll worker assistance. Ideally, all doors should be propped open during Election Day, and all curbside voting should be staffed. If the doors cannot be propped open, precinct captains should designate workers to be stationed at the entrances or respond promptly to doorbells placed nearby to open doors. If curbside voting cannot be staffed, poll workers should respond promptly to doorbells placed at curbside voting stations.

#### Barriers to Safe and Easy Access to the Voting Areas – Operationally Inaccessible

DRDC documented **15 voting centers with barriers in the pathways leading to the voting areas.**<sup>22</sup> These barriers included objects that created obstructions or hazards for voters with mobility

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<sup>18</sup> Narrow double-doors are entrances with two doors abutting each-other that only allow wheelchair clearance when both doors are open.

<sup>19</sup> These voting centers were: Columbia Heights Community Center (#1), Prince Hall Center for the Performing Arts (#2), Murch Elementary School (#5), Oyster-Adams Bilingual School (#6), Calvin Coolidge High School (#7), Turkey Thicket Recreation Center (#10), King Greenleaf Recreation Center (#12), Sherwood Recreation Center (#13), Deanwood Recreation Center (#15), Hillcrest Recreation Center (#17), Barry Farm Recreation Center (#19), and Anacostia High School (#20).

<sup>20</sup> These voting centers were: Anacostia High School (#20), Prince Hall Center for the Performing Arts (#2), and Barry Farm Recreation Center (#19).

<sup>21</sup> These voting centers were: Prince Hall Center for the Performing Arts (#2), Emery Heights Community Center (#8), Turkey Thicket Recreation Center (#10), Barry Farm Recreation Center (#19), and Anacostia High School (#20). DRDC did not count voting centers that lacked a doorbell, but the entrance(s) had the doors propped open or had a functioning automatic door opener.

<sup>22</sup> These voting centers were Prince Hall Center for the Performing Arts (#2), Hardy Middle School (#4), Murch Elementary School (#5), Oyster-Adams Bilingual School (#6), Emery Heights Community Center (#8), Raymond Recreation Center (#9), Turkey Thicket Recreation Center (#10), King Greenleaf Recreation Center (#12), Sherwood Recreation Center (#13), Kennedy Recreation Center (#14), Deanwood Recreation

impairments like a closed, locked metal gate, long uneven pathways from accessible parking to the entrance, and unsecured mats. At Emery Heights Community Center (#8), a closed metal gate blocked the accessible path to the front entrance. DRDC raised this issue with the precinct captain who promised to open the gate. At Turkey Thicket Recreation Center (#10), the main, accessible entrance was locked, and the only open entrance was located on the opposite side of the building from accessible parking, requiring voters with disabilities to use a long uneven path around the building. At 9 of 15 voting centers with unsecured mats, BOE poll workers responded to DRDC surveyors' requests to secure these mats.<sup>23</sup> In addition to these voting centers, McKinley Tech High School (#11) had about a ½ inch abrupt rise between the hallway and gymnasium floor that was not covered, creating a hazard for voters with mobility impairments. In conjunction with the accessibility checklist devised and shared with BOE over the years, DRDC continues to urge poll workers and captains to walk the path from their voting centers' parking lots to the voting areas to remove objects from the path, tape down mats, and ensure signs directing voters to accessible entrances are accurate, visible, and do not block the paths.

For structural obstructions, such as uneven surfaces, cracked sidewalks, or sharp changes in slope (*e.g.*, pathways with large dips or missing bricks), BOE must mitigate the barriers by coordinating with other DC agencies to repair the pathways, modify the ramps or install temporary ramps as a last resort prior to Election Day. For example, at Oyster-Adams Bilingual School (#6), voters had to traverse a dirt path that had a dip in it, or in the alternative a non-ADA-compliant ramp that was both curved and lacked handrails to gain access to the main voting area. In some instances, BOE must relocate the voting centers to ensure accessibility for all District voters with disabilities. The DRDC checklist provides thorough guidance to poll captains, and BOE staff on how to eliminate barriers.

### **Inside the Main Voting Area**

DRDC found assistive technology was made available at each voting center to help voters with disabilities access the ballot. However, DRDC documented problems inside the main voting area. Specifically, the voting machine setup made it difficult or impossible for voters with disabilities to ensure their right to a private vote.

#### **Assistive Technology**

DRDC documented **two voting centers, Sherwood Recreation Center (#13) and Kennedy Recreation Center (#14), failed to make audio headsets at voting machines and magnifying glasses<sup>24</sup> readily available.** Magnifying glasses and audio headsets should be readily available for voters with vision and/or auditory disabilities to be able to vote independently. At Sherwood Recreation Center (#13), this equipment had to be taken out of its boxes at DRDC's request.

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Center (#15), Benning Stoddert Community Center (#16), Hillcrest Recreation Center (#17), Malcolm X Opportunity Center (#18), and Barry Farm Recreation Center (#19).

<sup>23</sup> These voting centers were Hardy Middle School (#4), Oyster-Adams Bilingual School (#6), Emery Heights Community Center (#8), King Greenleaf Recreation Center (#12), Sherwood Recreation Center (#13), Deanwood Recreation Center (#15), Benning Stoddert Community Center (#16), Hillcrest Recreation Center (#17), and Malcolm X Opportunity Center (#18).

<sup>24</sup> Turkey Thicket Recreation Center (#10) did not make magnifying glasses readily available.

### Lack of Privacy at Voting Machines

DRDC documented 95% (**19 of 20 voting centers**) failed to provide sufficient privacy for voters using voting machines. All 19 of them used the same setup with half of the voting machines facing away from the main voting area, and half facing towards the main voting area. DRDC brought this to the attention of the ADA Coordinator in advance of Election Day, who explained that this setup helped reduce the amount of power cords needed, and that privacy screens and flaps ensured no one could view the screen from more than ten feet away. Malcolm X Opportunity Center (#18) was the only voting center that had all voting machines facing the wall, away from the main voting area. BOE must provide additional privacy safeguards because in 19 of 20 voting centers, half the ballot marking device screens (5 of 10) faced the main voting area and were visible from across the room. The lack of privacy at voting machines discourages people with disabilities from using the touch-screen machines, and violates the right to a private, independent vote under the Help America Vote Act of 2002. Despite this legal violation, DRDC did not count voting centers as operationally inaccessible because of the lack of privacy.

### Lack of Accessible Parking

DRDC documented several voting centers that had accessible parking lots that were gated and locked. It is unclear why BOE did not work with DPR and DCPS to utilize these parking lots to facilitate voter parking. Moreover, BOE failed to designate on street accessible parking for any voting center. The only accessibility signs on the street were curbside voting signs. When DRDC staff asked about accessible parking spaces, the response from precinct captains was that voters with disabilities could park in the curbside voting area to vote inside. However, the Deanwood Recreation Center (#15) precinct captain said “we encourage voters to do curbside voting.” **It must be noted that all voters must have the option of voting inside the main voting area and BOE must not force voters to vote curbside.**

BOE staff reserved a minimum of two spaces of street parking in front of the voting centers at the main entrance. Reserving spaces right outside the accessible entrance and near a curb cut is essential to ensure voters with mobility devices can travel from the parking space to the entrance without issue and should provide sufficient space for vehicles with wheelchair lifts to set out vehicle ramps (side or rear).

### **BOE’s Response to DRDC’s On-site Recommendations**

On Election Day and during the early voting period, DRDC staff made on-the-spot recommendations to BOE voting center staff, and called complaints into BOE directly, with the goal of resolving barriers immediately. As a result of DRDC’s interventions, BOE promised to fix a broken automatic door opener and check into non-poll worker staff requesting photo identification of DRDC staff as well as at least one voter as witnessed by DRDC staff. At 11 voting centers, poll workers corrected missing or misplaced signage; taped down mats along the accessible pathway that presented a tripping hazard; and propped open heavy doors to assist voters.

Prior to the June Primary, DRDC staff persistently brought to BOE’s attention<sup>25</sup> prevalent barriers to access experienced by voters with disabilities on Election Day and urged BOE to resolve the barriers in time for Election Day. A survey of the structurally and/or operationally inaccessible voting centers

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<sup>25</sup> DRDC has consistently expressed its voting access concerns by testifying before the DC Council, issuing accessibility reports, having discussions at public voter access forums, and through correspondence with BOE.

found in the June 2020 election is provided below, along with voting center-specific recommendations for improved accessibility. We also made recommendations for centers that were not structurally and/or operationally inaccessible, but had accessibility barriers. A chart of all voting centers surveyed is included in Appendix A and a breakdown of the voting centers by accessibility issue is included in Appendix B.

### **INACCESSIBLE VOTING CENTERS**



Photo at Prince Hall Center for the Performing Arts<sup>26</sup> on May 26, 2020

#### **Prince Hall Center for the Performing Arts^ (1000 U Street NW, 20001) – Voting Center 2**

This voting center was *operationally inaccessible* because the entrance doorways were not propped open, there was no automatic door opener, no doorbell, or poll worker stationed by the door. There was no doorbell or poll worker for curbside voting. There was no signage inside to direct voters to the accessible elevator required to access the main voting area. There were barriers along the pathway to the main voting area (unsecured mats at the double door entrance created a hazard for voters in wheelchairs and other mobility devices). Curbside voting signs were knocked over in the street when surveyed. The precinct captain was informed and promised to fix the curbside signs. Half of the voting machines faced the main voting area and their screens were visible across the room despite privacy screens.

- **Ensure there is adequate signage for curbside voting station.**
- **Place a doorbell at the curbside voting area or station a poll worker to monitor the station.**
- **Prop open heavy doors and/or ensure there is a functioning doorbell.**

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<sup>26</sup> This photo of Prince Hall Center for the Performing Arts (#2) depicts the main entrance's closed heavy doors without an automatic door opener, doorbell, or poll worker stationed by the door.

- Secure or remove any barriers along the pathway to the main voting area.
- Ensure there is adequate signage directing voters to the accessible entrance via the elevator.
- Adjust voting machines to ensure privacy.

**One Judiciary Square (441 4th Street NW, 20001) – Voting Center 3**

This voting center had an accessibility barrier because there was no doorbell or poll worker stationed for curbside voting. Half of the voting machines faced the main voting area and their screens were visible across the room despite privacy screens.

- Place a doorbell at the curbside voting area or station a poll worker to monitor the station.
- Adjust voting machines to ensure privacy.

**Hardy Middle School (1819 35th Street NW, 20007) – Voting Center 4**

This voting center had an accessibility barrier along the pathway to the main voting area (unsecured mats at the double door entrance created a hazard for voters in wheelchairs and other mobility devices). This issue was remedied upon DRDC surveyor’s request. Half of the voting machines faced the main voting area and their screens were visible across the room despite privacy screens.

- Secure or remove any barriers along the pathway to the main voting area.
- Adjust voting machines to ensure privacy.



Photo at Murch Elementary School<sup>27</sup> on May 28, 2020

<sup>27</sup> This photo of Murch Elementary School (#5) depicts a curbside voting station sign next to a homemade poster board “for assistance” sign folded over a cone with a handwritten cell phone number.

### **Murch Elementary School (4810 36th Street NW, 20008) – Voting Center 5**

This voting center was *operationally inaccessible* because there was no doorbell or poll worker for curbside voting, instead there was a homemade poster board sign folded over a cone with a handwritten cell phone number raising accessibility and privacy concerns. There were barriers along the pathway to the main voting area (unsecured mats at the double door entrance created a hazard for voters in wheelchairs and other mobility devices). Half of the voting machines faced the main voting area and their screens were visible across the room despite privacy screens.

- **Place a doorbell at the curbside voting area or station a poll worker to monitor the station.**
- **Secure or remove any barriers along the pathway to the main voting area.**
- **Adjust voting machines to ensure privacy.**



Photo at Oyster-Adams Bilingual School<sup>28</sup> on May 26, 2020

### **Oyster-Adams Bilingual School\* (2801 Calvert Street NW, 20008) – Voting Center 6**

This voting center was *operationally and/ or structurally inaccessible* because there was no accessible entrance from the street/parking lot because of a metal gate to the “accessible” entrance located all the way at the back of the building that was closed and locked. The gate that was open to the side has a dirt path with a dip which makes it dangerous for voters using wheelchairs or other mobility devices to maneuver across. Inside the voting area there were unsecured mats that posed additional obstacles to voters with disabilities (remedied upon DRDC surveyor’s request). The front entrance was *structurally inaccessible* because the ramp was not ADA-compliant (it did not have handrails and was narrower than 36-inches wide). Half of the voting machines faced the main voting area and their screens were visible across the room despite privacy screens.

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<sup>28</sup> This photo of Oyster-Adams Bilingual School (#6) depicts the front entrance’s narrow ramp without handrails.

- Ensure all ramps used for accessible entrances are ADA-compliant (e.g. 36-inches wide, 5-foot landing space at the top, and handrails along the ramp).
- Ensure that the pathway from the street to the main polling area is free of obstructions and abrupt dips.
- Secure or remove any barriers along the pathway to the main voting area.
- Adjust voting machines to ensure privacy.



Photo of Emery Heights Community Center<sup>29</sup> on May 28, 2020

### **Emery Heights Community Center (5801 Georgia Avenue NW, 20011) – Voting Center 8**

This voting center was *operationally inaccessible* because the front entrance was inaccessible due to a locked metal gate barring the accessible pathway. The precinct captain promised to open the metal gate upon DRDC surveyor’s request. The front entrance had no doorbell, automatic door opener, or poll worker to assist voters with the doors. There was insufficient signage available directing voters from the street to the rear accessible entrance. There were barriers along the pathway to the main voting area (unsecured mats at the gymnasium entrance created a hazard for voters in wheelchairs and other mobility devices). This issue was remedied upon DRDC surveyor’s request. Half of the voting machines faced the main voting area and their screens were visible across the room despite privacy screens.

- **Unlock and prop open the metal gate.**
- **Prop open front doors and/or ensure that there is a functioning doorbell.**
- **Ensure adequate and clear signage directing voters from the street to the accessible entrance.**
- **Secure or remove any barriers along the pathway to the main voting area.**

<sup>29</sup> This photo of Emery Heights Community Center (#8) depicts a metal gate that separates the voting center from the sidewalk.

- **Adjust voting machines to ensure privacy.**

#### **Raymond Recreation Center (3725 10th Street NW, 20010) – Voting Center 9**

This voting center was *operationally inaccessible* because there were barriers along the pathway to the main voting area (unsecured mats created a hazard for voters in wheelchairs and other mobility devices). There was no poll worker normally stationed at the curbside voting and no doorbell to request assistance. Half of the voting machines faced the main voting area and their screens were visible across the room despite privacy screens.

- **Secure or remove any barriers along the pathway to the main voting area.**
- **Place a doorbell at the curbside voting area or station a poll worker to monitor the station.**
- **Adjust voting machines to ensure privacy.**

#### **Turkey Thicket Recreation Center (1100 Michigan Avenue NE, 20017) – Voting Center 10**

This voting center was *operationally inaccessible* because the accessible entrance that was also located closest to the parking lot was locked. There was no signage available directing voters from the parking area to the accessible entrance on the opposite side of the building. There was no designated curbside voting. Doors were not propped, the automatic, accessible door closest to the parking lot was locked, and instead a scarce poll worker was stationed at the street entrance to open the door. There were barriers along the pathway to the main voting area (unsecured mats created a hazard for voters in wheelchairs and other mobility devices). There was no poll worker normally stationed at the curbside voting and no doorbell to request assistance. Half of the voting machines faced the main voting area and their screens were visible across the room despite privacy screens.

- **Ensure there is signage to designate a curbside voting station.**
- **Place a doorbell at the curbside voting area or station a poll worker to monitor the station.**
- **Ensure that accessible doors that lead to accessible parking are unlocked before the polls open.**
- **Ensure adequate and clear signage directing voters from the street *and* accessible parking lot to the accessible entrance.**
- **Prop open doors and/or ensure that there is a functioning doorbell.**
- **Secure or remove any barriers along the pathway to the main voting area.**
- **Adjust voting machines to ensure privacy.**
- **Provide and ensure magnifying glasses are out on the check-in and demonstration tables for easy access by all voters who require this assistance.**

#### **McKinley Tech High School (151 T Street NE, 20002) – Voting Center 11**

This voting center was *operationally inaccessible* because there was insufficient signage available directing voters from the street to the accessible entrance. There was an abrupt rise about ½ inch between the hallway and gymnasium floor that creates a hazard for voters with mobility impairments. Half of the voting machines faced the main voting area and their screens were visible across the room despite privacy screens.

- **Ensure adequate and clear signage directing voters from the street to the accessible entrance.**

- Ensure the pathway is free of all abrupt rises over ½ inch by covering the uneven surface with a mat to allow voters independent and safe access into the main voting area.
- Adjust voting machines to ensure privacy.

#### **Sherwood Recreation Center (640 10th Street NE, 20002) – Voting Center 13**

This voting center had accessibility barriers because there were barriers along the pathway to the main voting area (unsecured mats at the entrance created a hazard for voters in wheelchairs and other mobility devices). This issue was remedied upon DRDC surveyor’s request. Doors were not propped, and instead a scarce poll worker was stationed at the entrance to open the door. Half of the voting machines faced the main voting area and their screens were visible across the room despite privacy screens. Audio headsets and magnifying glasses had to be taken out of its boxes at DRDC’s request.

- Secure or remove any barriers along the pathway to the main voting area.
- Prop open doors and/or ensure that there is a functioning doorbell.
- Ensure voters have privacy at voting machines.
- Ensure that audio headsets are available and placed next to electronic voting machines for immediate use.
- Provide and ensure magnifying glasses are out on the check-in and demonstration tables for easy access by all voters who require this assistance.

#### **Kennedy Recreation Center (1401 7th Street NW, 20005) – Voting Center 14**

This voting center was *operationally inaccessible* because audio headsets and magnifying glasses were not made readily available.

- Ensure that audio headsets are available and placed next to electronic voting machines for immediate use.
- Provide and ensure magnifying glasses are out on the check-in and demonstration tables for easy access by all voters who require this assistance.

#### **Deanwood Recreation Center (1350 49th Street NE, 20019) – Voting Center 15**

This voting center was *operationally inaccessible* because there was insufficient signage available directing voters from the parking lot to the accessible entrance. Doors were not propped, and instead a scarce poll worker was stationed at the entrance to open the door. There were obstructions along the pathway to the main voting area (unsecured mats at the entrance created a hazard for voters in wheelchairs and other mobility devices). This issue was remedied upon DRDC surveyor’s request. Half of the voting machines faced the main voting area and their screens were visible across the room despite privacy screens.

- Prop open heavy doors and/or ensure that there is a functioning doorbell.
- Ensure adequate and clear signage directing voters from the parking lot to the accessible entrance.
- Secure or remove any obstructions along the pathway to the main voting area.
- Adjust voting machines to ensure privacy.

#### **Hillcrest Recreation Center (3100 Denver Street SE, 20020) – Voting Center 17**

This voting center had accessibility barriers because there were obstructions along the pathway to the main voting area (unsecured mats created a hazard for voters in wheelchairs and other mobility

devices). This issue was remedied upon DRDC surveyor's request. Half of the voting machines faced the main voting area and their screens were visible across the room despite privacy screens.

- **Secure or remove any obstructions along the pathway to the main voting area.**
- **Ensure voters have privacy at the voting machines.**



Photo of Barry Farm Recreation Center<sup>30</sup> on May 26, 2020

### **Barry Farm Recreation Center (1230 Sumner Road SE, 20020) – Voting Center 19**

This voting center was *operationally inaccessible* because the accessible entrance door was not propped open, the automatic button at the accessible entrance was not functioning, and there was no poll worker stationed near the door to assist voters. There were barriers along the pathway to the main voting area (unsecured mats created a hazard for voters in wheelchairs and other mobility devices). There was no bell or worker stationed at the curbside voting station. DRDC staff asked the precinct captain to prop open doors given the accessible button was broken. The precinct captain said she was not allowed to “because of the pandemic going on.” DRDC staff then notified BOE’s ADA coordinator who promised to fix the problem. Half of the voting machines faced the main voting area and their screens were visible across the room despite privacy screens.

- **Ensure BOE works with the Department of General Services and other agency partners to fix the automatic button prior to the November Election and/or ensure that there is a functioning doorbell.**
- **Place a doorbell at the curbside voting area or station a poll worker to monitor the station.**
- **Secure or remove any barriers along the pathway to the main voting area.**
- **Adjust voting machines to ensure privacy.**

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<sup>30</sup> This photo of Barry Farm Recreation Center (#19) depicts the main entrance’s closed heavy doors.



Photos at Anacostia High School<sup>31</sup> on May 26, 2020

### **Anacostia High School (1601 16th Street SE, 20020) – Voting Center 20**

This voting center was *operationally inaccessible* because the accessible entrance door was not propped open, the automatic button at the accessible entrance was not functioning, and there was no poll worker stationed near the door to assist voters. The curbside voting station had no doorbell or poll worker stationed there to assist voters. While DRDC staff reported this to BOE and a building manager was called, the door remained unpropped when DRDC staff left. Half of the voting machines faced the main voting area and their screens were visible across the room despite privacy screens.

- **Place a doorbell at the curbside voting area or station a poll worker to monitor the station.**
- **Ensure the accessible entrance doors are propped open before the poll opens and/or ensure that there is a functioning doorbell.**
- **Adjust voting machines to ensure privacy.**

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<sup>31</sup> The first photo of Anacostia High School (#20) depicts the curbside voting station, which lacks a doorbell or poll worker. The second photo of Anacostia High School (#20) depicts the accessible entrance's closed heavy doors.

Appendix A

**VOTING CENTERS MONITORED DURING THE JUNE 2, 2020 PRIMARY ELECTION<sup>32</sup>**

<b>Voting Center</b>	<b>Location Name</b>	<b>Address</b>
1	Columbia Heights Community Center	1480 Girard Street NW, 20009
2	Prince Hall Center for the Performing Arts <sup>^</sup>	1000 U Street NW, 20001
3	One Judiciary Square	441 4th Street NW, 20001
4	Hardy Middle School	1819 35th Street NW, 20007
5	Murch Elementary School	4810 36th Street NW, 20008
6	Oyster-Adams Bilingual School <sup>*</sup>	2801 Calvert Street NW, 20008
7	Calvin Coolidge High School	6315 5th Street NW, 20011
8	Emery Heights Community Center	5801 Georgia Avenue NW, 20011
9	Raymond Recreation Center	3725 10th Street NW, 20010
10	Turkey Thicket Recreation Center	1100 Michigan Avenue NE, 20017
11	McKinley Technology High School	151 T Street NE, 20002
12	King Greenleaf Recreation Center	201 N Street SW, 20024
13	Sherwood Recreation Center	640 10th Street NE, 20002
14	Kennedy Recreation Center	1401 7th Street NW, 20005
15	Deanwood Recreation Center	1350 49th Street NE, 20019
16	Benning Stoddert Community Center	100 Stoddert Place SE, 20019
17	Hillcrest Recreation Center	3100 Denver Street SE, 20020
18	Malcolm X Opportunity Center	1351 Alabama Avenue SE, 20032
19	Barry Farm Recreation Center	1230 Sumner Road SE, 20020
20	Anacostia High School	1601 16th Street SE, 20020

<sup>32</sup> The voting centers denoted with a carrot (^) were newly designated polling locations during the June 2 Primary Election. The voting centers denoted with an asterisk (\*) were identified by DRDC as structurally inaccessible.

Appendix B

**VOTING CENTERS THAT WERE STRUCTURALLY (\*) OR OPERATIONALLY INACCESSIBLE DUE TO NON-ADA COMPLIANT RAMPS = 5%**

<u>Voting Center Name</u>	<u>Voting Center Number</u>
1. Oyster-Adams Bilingual School*	6

**VOTING CENTERS THAT WERE OPERATIONALLY INACCESSIBLE DUE TO A BARRIER IN THE PATHWAY TO THE VOTING AREA THAT WAS NOT FIXED = 30%**

<u>Voting Center Name</u>	<u>Voting Center Number</u>
1. Prince Hall Center for the Performing Arts	2
2. Murch Elementary School	5
3. Raymond Recreation Center	9
4. Turkey Thicket Recreation Center	10
5. McKinley Tech High School	11
6. Barry Farm Recreation Center	19

**VOTING CENTERS THAT WERE OPERATIONALLY INACCESSIBLE WITH HEAVY, CLOSED DOORS AND NO WORKING BACK-UP SYSTEM = 15%**

<u>Voting Center Name</u>	<u>Voting Center Number</u>
1. Prince Hall Center for the Performing Arts^	2
2. Barry Farm Recreation Center	19
3. Anacostia High School	20

**VOTING CENTERS THAT WERE OPERATIONALLY INACCESSIBLE DUE TO INADEQUATE SIGNAGE = 25%**

<u>Voting Center Name</u>	<u>Voting Center Number</u>
1. Prince Hall Center for the Performing Arts	2
2. Emery Heights Community Center	8
3. Turkey Thicket Recreation Center	10
4. McKinley Tech High School	11
5. Deanwood Recreation Center	15

**VOTING CENTERS THAT WERE OPERATIONALLY INACCESSIBLE DUE TO NON-OPERATIONAL OR NO DOORBELLS = 40%**

<u>Voting Center Name</u>	<u>Voting Center Number</u>
1. Prince Hall Center for the Performing Arts	2
2. Murch Elementary School	5
3. Emery Heights Community Center	8
4. Raymond Recreation Center	9

## Appendix B

5. Turkey Thicket Recreation Center	10
6. Deanwood Recreation Center	15
7. Barry Farm Recreation Center	19
8. Anacostia High School	20