



Council of the District of Columbia Committee on the Judiciary  
Public Oversight Roundtable on the Board of Elections'  
Preparations for the November 3, 2020 General Election

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

September 10, 2020

---

Thank you for the opportunity to testify regarding the District of Columbia Board of Elections' (BOE) preparations for the November 3, 2020 General Election. Disability Rights DC (DRDC) is the designated protection and advocacy agency for the District of Columbia. Under our federal mandate, we advocate on behalf of District residents with disabilities to promote their equal access to vote under the Help America Vote Act (HAVA) and Americans with Disabilities Act (ADA). COVID-19 poses a real and imminent threat to the lives of all DC residents, and voters with disabilities are far more vulnerable to COVID-19 than the population at large.<sup>1</sup> 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. My testimony will focus on DRDC's ongoing concerns ahead of the General Election regarding voters' lack of sufficient access to an accessible absentee voting system and accessible voting centers.

*Inaccessible Absentee Voting*

An accessible absentee voting system allows voters with print disabilities<sup>2</sup> to register and vote privately and independently, with the same ease of access as voters without disabilities. We previously testified about this issue before and after the 2020 Primary Election, when BOE relied almost exclusively on *paper* request forms and absentee ballots. Paper ballots, paper absentee ballot request forms, and signature requirements are inaccessible to people with print disabilities.

---

<sup>1</sup> *People with Disabilities*, Centers for Disease Control, Last accessed at August 13, 2020 at: <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-disabilities.html>; *If You Are at Higher Risk*, Centers for Disease Control and Prevention, <https://tinyurl.com/vtbebz>; see also Report of the WHO-China Joint Mission on Coronavirus Disease (COVID-19), <https://www.who.int/docs/default-source/coronaviruse/who-china-joint-mission-on-covid-19-final-report.pdf> at 12.

<sup>2</sup> Print disabilities are disabilities that interfere with the effective reading, writing, or use of printed material, including people who are blind, have low vision, those with learning disabilities that interfere with the effective reading, writing, or use of printed material, as well those with a physical disability that interferes with holding and manipulating paper or a pen or pencil.

BOE continues to rely on paper forms and signature requirements that are inaccessible to voters with print disabilities. BOE recently mailed another paper form for voters to verify or update their mailing address for the absentee ballot, which requires a signature. Additionally, the postcard 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. This design error further compounds the accessibility issues because it requires significant manipulation of the paper to complete the postcard. Specifically, a voter is required to, at a minimum, read standard text, fill out the form, fold it, tape it<sup>3</sup>, and mail it back to BOE.

We appreciate that BOE notified DRDC that it will provide OmniBallot, an online ballot platform, as an accessible alternative to paper ballots. However, BOE has not outlined the specific measures it will take to ensure that OmniBallot is implemented and that voters with disabilities receive information, in an accessible format, about how to request and receive an accessible ballot. BOE has informed the public of its plans to mail paper absentee ballots to all qualified registered voters for the General Election, but has provided little public information to voters with disabilities that an accessible absentee balloting tool is an option and how to access it. BOE's existing absentee paper ballot request form does not allow a voter with a disability to request OmniBallot access and requires a signature, excluding qualified voters with print disabilities and creating barriers to voters who cannot sign independently. To make this right a reality, we urge DC Council to investigate BOE's implementation of an accessible absentee voting system and its public dissemination, outreach, and education efforts to voters with disabilities about OmniBallot access. Without effective outreach and education to inform voters that this accessible option exists and how to request and use it, voters with vision and mobility disabilities 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.

Additionally, DRDC supports BOE's outreach to incarcerated voters who need assistance registering and requesting absentee ballots. Working with a coalition of restore the vote advocates, DRDC is helping to ensure that incarcerated voters with disabilities have access to information about how to register to vote and request accessible ballots. We hope that DC Council, in its oversight capacity, will monitor BOE's efforts to ensure that incarcerated people with print disabilities have access to accessible absentee ballots and to address implementation barriers.

### *Accessibility of Voting Centers*

As we previously testified about the Primary Election, BOE's failure to carry out its federal and local mandate to enfranchise eligible residents as well as the mismanaged absentee ballot process resulted in overcrowded voting centers, some of which had wait times of over four hours

---

<sup>3</sup> BOE instructed voters on its twitter account to not detach the postcard due to the design error and to fold, tape, and then mail it.

posing great risks to voters' health and safety during the pandemic.<sup>4</sup> It is encouraging that the BOE has publicly committed, after proposed legislation from the Mayor and D.C. Council, to opening 16 early voting centers and over 80 voting centers for the General Election.<sup>5</sup> DRDC urges the 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.

DRDC's survey results on operational and structural accessibility during the Primary Election have been compiled, and DRDC's "DC Voting Access Report on the June 2, 2020 Primary Election" will be included with my written testimony by September 18, 2020. 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). This center, Oyster Adams Bilingual School, had an inaccessible ramp at the front entrance, and a rear entrance, that required traversing through a gate with a dirt path, was inaccessible. The substantial reduction from 144 to 20 polling places due to COVID-19 contributed to this significant increase in accessibility. For the 2020 Primary Election, DRDC found fifty percent (50%) of the surveyed voting centers (10 locations) were operationally inaccessible. These issues included insufficient signage that failed to direct people to accessible entrances, heavy entrance doors were not propped open, locked metal gates, lack of privacy at the voting machines, and unsecured mats.

As we have previously testified, DRDC urges all polling places to prop open heavy front doors, especially at schools, to facilitate entry by voters with mobility, manual dexterity, and vision disabilities. Despite the closure of DC public schools and public recreation facilities, 15% of the voting centers failed to prop their doors open or have working automatic door opener buttons or BOE staff stationed by the door.<sup>6</sup> Poll worker shortages highlighted the impact of BOE's failure to forgo propping open doors at Sherwood and Turkey Thicket because instead scarce poll workers were assigned to open doors.

The systemic accessibility problems for mail-in voting from the Primary remain at issue in the upcoming Presidential General Election, and BOE has fallen far short of what it needs to do to restore voters' confidence after the Primary Election. BOE must continue to overhaul its absentee balloting system to ensure accessibility and basic, responsive, reliable provision of accessible ballots. Moreover, BOE must shore up accessibility training to precinct captains and poll workers, and consistently implement procedures like propping open doors at all schools and recreational centers, among other sites.

Thank you again for the opportunity to testify. I am happy to answer any questions.

---

<sup>4</sup> *Voting problems in D.C., Maryland lead to calls for top officials to resign*. The Washington Post (June 4, 2020) Last accessed June 4, 2020 at: [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>5</sup> *Capital One Arena Will Be A DC Polling Place for November Election*, DCist (August 10, 2020), Last accessed August 13, 2020 at: <https://dcist.com/story/20/08/10/capital-one-arena-will-be-a-dc-polling-place-for-november-election/>