



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

Testimony of Peter Stephan, Staff Attorney
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Thank you for the opportunity to testify about the District of Columbia Board of Elections and Ethics' (DC BOEE) obligation to ensure that all DC residents with disabilities have a full and equal opportunity to vote at accessible polling sites. As the designated protection and advocacy agency for the District of Columbia, Disability Rights DC (DRDC) advocates on behalf of District residents with disabilities to promote their equal access to polling sites, among other programs and facilities. For the past 16 years, DRDC has surveyed the accessibility of the District's polling sites, provided recommendations to DC BOEE, and issued public reports in an effort to urge the District to fully comply with the Help America Vote Act (HAVA) and Americans with Disabilities Act (ADA).

During the June 2018 primary election, we surveyed 121 (85%) of the District's 143 polling sites using an accessibility checklist developed by DRDC that is now a national model. One-third (34%) of the surveyed precincts were operationally inaccessible, meaning poll workers could have, but failed to, take the necessary steps to ensure accessibility.¹ Fourteen percent (14%) of the surveyed precincts (17 locations) were structurally inaccessible. We remain committed to working with DC BOEE to achieve full accessibility for polling sites across the District.

DRDC previously outlined critical concerns with the Vote by Mail Amendment Act of 2019, including the lack of alternate format ballots, signature accessibility, notice and appeal rights, and ballot deposit center accessibility. Despite the introduction of the bill, BOEE has not evaluated the feasibility and accessibility of all-mail ballot elections. With an estimated 75,985² adult DC residents with disabilities, the accessibility of voting by mail is a significant concern.

¹ DRDC's polling access reports are available at: <http://www.uls-dc.org/protection-and-advocacy-program/programs/protection-and-advocacy-for-voter-access/>

² U.S. Census Bureau, 2018 American Community Survey (1-year supplemental estimate): <https://data.census.gov/cedsci/table?q=&hidePreview=true&table=DP02&tid=ACSDP1Y2018.DP02&t=&lastDisplayedRow=169&y=2018&g=0400000US11>

Because BOEE designates 60 public primary and secondary schools as polling sites and the school building entry doors are unmanageably heavy for people with disabilities to open, DRDC has urged DC Public Schools (DCPS) to close schools to students on Election Day. This allows the schools to prop open heavy front doors and alleviates reported security concerns. Propping open school building doors improves polling place accessibility by facilitating entry by voters with mobility, manual dexterity, and vision disabilities.

After years of advocacy by DRDC and other DC disability rights groups, DCPS closed the schools to students for the 2018 primary and general elections. Yet DCPS has failed to do so for the upcoming June 2020 presidential primary. In June 2019, DRDC and the Equal Rights Center urged Chancellor Ferebee to close DC public and public charter schools to students for the June 2, 2020 primary election, but DCPS has yet to respond. DC Councilmember Charles Allen also urged DC public and public charter schools to close to students on election day to facilitate access by seniors and voters with disabilities. School closure was recommended by the Presidential Commission on Election Administration in 2014. The District should close public and public charter schools to students for the 2020 primary election.

In November 2019, DRDC developed and designed a comprehensible voting rights guide for DC residents with disabilities. I have copies here today for members of the Council. In clear terms, this guide covers the rights of DC voters with disabilities under the ADA and HAVA. The guide also describes how to register to vote and what documentation is required for voter registration and for pre-registration (for 16- and 17-year-olds). The guide also explains the ways DC residents can vote (in-person at early election polling sites, neighborhood polling sites, or by mail through absentee ballots), using electronic voting machines, paper ballots, or curbside voting, and how people with disabilities can request accommodations for their disabilities (such as voting at an alternate accessible polling place) and how to file complaints about access barriers.

DRDC continues to educate District residents with disabilities, including high school students, on their voting rights and how to register to vote. DRDC plans to survey polling places again during the 2020 elections and looks forward to reporting its findings to the DC BOEE, DC Council, and the public. We remain committed to ensuring that all DC voters can exercise their right to enter polling sites and vote independently.