



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

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

February 18, 2021

Good afternoon Chairperson Allen. Thank you for the opportunity to testify about the DC Board of Elections' (Board) obligation to ensure that all DC residents with disabilities have a full and equal opportunity to vote. Disability Rights DC (DRDC) is the designated protection and advocacy agency for the District. We advocate on behalf of District residents with disabilities to promote their equal access to voting, among other programs. For the last 17 years, DRDC has surveyed the accessibility of the District's polling sites, provided recommendations to the Board, and issued reports in an effort to ensure full compliance with the federal Help America Vote Act and Americans with Disabilities Act (ADA).¹

During the November 2020 general election, DRDC surveyed 87% or 83 of the District's 95 voting centers. Based on DRDC's accessibility checklist now used as a national model, our surveyors found 14% of the surveyed centers (12 locations) were structurally inaccessible, meaning there were structural barriers for voters with disabilities that poll workers could not resolve. These included, for example: steps that prevent voters with mobility disabilities from entering the building, lack of accessible sidewalk curb cuts to get to the voting center from the street or parking lot, and uneven, crumbling and broken pavement with abrupt rises along the pathway to the voting area. For example, J.C. Nalle Elementary School's pathways to the voting center were obstructed by one or more steps and abrupt rise. The Board should relocate this site for future elections. DRDC found only one voting center that used a temporary ramp to make a voting center accessible. It is unclear why the Board did not use temporary ramps more widely or take other measures to make voting centers with structural barriers accessible, as it has done in the past.

DRDC also found 83% of the surveyed centers were operationally inaccessible, meaning poll workers could have, but failed to, take the necessary steps to ensure the center was accessible. For

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

example, these issues include 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 is a significant increase from the 50% rate of operationally inaccessible voting centers during the 2020 primary, and 41% during the 2018 general. Many of the voting centers surveyed lacked audio headsets that provide screen reader access, site coordinators at these centers reported that the Board failed to deliver these headsets. The Board's assistant ADA coordinator acknowledged that the Board lacked a sufficient supply of headsets to meet the demand. Many voting centers also failed to designate accessible parking spaces, and poll workers at some voting centers stated voters with disabilities could park at curbside voting stations to vote inside. The inappropriate reliance on curbside voting stations to double as accessible parking resulted in additional accessibility barriers because most curbside voting stations were not near a curb cut and therefore the pathway to the voting area was not free of an abrupt rise. All the findings from this survey will be compiled into a report on the November 2020 general election and be made public on our website and sent to the Board.

DRDC also surveyed 28 of the 55 ballot drop boxes installed throughout the District to ensure accessibility. DRDC found about 30% were operationally inaccessible, meaning the Board could have, but failed to, take the necessary steps to ensure drop box accessibility. For example, the Penn Branch Center drop box was installed at the edge of a curb, facing the parking lot, that put the drop box slot above the ADA maximum height from the ground.

This past fall, in response to the DC Restore the Vote Amendment Act, which re-enfranchised all qualified incarcerated DC residents in jail or prison serving felony sentences, DRDC collaborated with the Board, the federal Bureau of Prisons (BOP) and a coalition of advocates to identify DC voters with disabilities at prisons nationwide and provide them with specific outreach and education regarding their right to vote and to accommodations to ensure they can vote privately and independently. Through this robust outreach, BOP reports that 2,439 DC residents in BOP custody received our outreach materials, including at least 91 District residents with disabilities. However, the Board must meaningfully collaborate with the BOP to ensure DC residents with disabilities have full and equal access to the ballot in upcoming elections, including access to register to vote and to the Board's new Accessible Remote Ballot system for incarcerated voters that need this accommodation. We also received a complaint that BOP staff denied a prospective voter with a disability access to a pen needed to fill out his registration application. We hope that DC Council, in its oversight capacity, will monitor the Board's efforts to work closely with the BOP to address these accessibility barriers and ensure that DC residents with disabilities incarcerated in the BOP have equal and full access to the ballot.

While the Board still has a significant amount of work to do, expanding to additional voting centers, staffing them with government employees in addition to volunteers, and installing ballot drop boxes throughout the District helped remedy many of the Board's previous shortcomings in administering the 2020 primary election. However, after receiving information from the Board's

public information officer prior to the general election, it is clear that the Board has been ineffective in outreach and education to DC voters with disabilities regarding the Accessible Remote Balloting system.

DRDC continues to urge the Board to make the necessary changes to ensure that all DC voters can exercise their right to vote privately and independently. I am happy to answer any questions about my testimony.