

No Additional Polling Place in Washington, D.C.’s Ward 8 During the Covid-19 Pandemic

Robinson v. Board of Elections

(Dabney L. Friedrich, D.D.C. 1:20-cv-1364)

Because of poor mail service in the ward and health risks resulting from the Covid-19 global infectious pandemic, two plaintiffs sought an order requiring the establishment of an additional polling location in their ward. The district judge denied immediate relief.

Subject: Voting procedures. *Topics:* Poll locations; Covid-19.

Two voters filed a federal complaint in the district court for the District of Columbia on Thursday, May 21, 2020, seeking an order that election officials prepare by May 26—the day after Memorial Day—another polling location in their ward.¹ The complaint noted the closing of fourteen out of seventeen polling places in the ward because of the Covid-19 global infectious pandemic and residents’ not receiving mail-in ballots because of poor mail service in the ward.² With their complaint, the plaintiffs filed a motion for a temporary restraining order and a preliminary injunction.³

On Friday, the parties stipulated a briefing schedule: the board would file a summary-judgment motion by 8:00 Saturday night, the plaintiffs would reply by 8:00 Sunday night, and the hearing would be held on Tuesday following the three-day weekend.⁴ Judge Dabney L. Friedrich set the hearing for 4:00 p.m.⁵

On the holiday, Judge Friedrich noted that the parties had not prepared summary-judgment materials properly and ordered additional briefing.⁶ The parties agreed to additional briefing by June 1.⁷ Judge Friedrich instead ordered briefing completed by 8:00 p.m. on May 27 and held a telephonic hearing at noon on May 28.⁸ Members of the public were permitted to listen.⁹

Judge Friedrich began the hearing ready to rule.¹⁰ She denied the plaintiffs immediate relief “[f]or the reasons stated on the record.”¹¹ Because of the

1. Complaint, *Robinson v. Bd. of Elections*, No. 1:20-cv-1364 (D.D.C. May 21, 2020), D.E. 1.

2. *Id.* at 1.

3. Motion, *id.* (May 21, 2020), D.E. 2.

4. Joint Consent Scheduling Motion, *id.* (May 22, 2020), D.E. 7.

5. Docket Sheet, *id.* (May 21, 2020).

Tim Reagan interviewed Judge Friedrich for this report by telephone on October 8, 2020.

6. Docket Sheet, *supra* note 5 (D.E. 11).

7. Joint Status Report, *Robinson*, No. 1:20-cv-1364 (D.D.C. May 26, 2020), D.E. 14; *see* Transcript at 4–5, *id.* (May 28, 2020, filed Dec. 17, 2020), D.E. 27.

8. Transcript, *supra* note 7; *see id.* at 2 (noting the court’s requirement that civil proceedings be held remotely or postponed because of the Covid-19 pandemic).

9. Interview with Hon. Dabney L. Friedrich, Oct. 8, 2020; *see* Transcript, *supra* note 7, at 2 (“And just as a reminder, in accordance with the rules of this court, recordings of this hearing, audio or otherwise, are not permitted.”).

10. Transcript, *supra* note 7, at 4.

pandemic, the district allowed voting anywhere in the district and encouraged absentee voting, and the plaintiffs supported their claims with limited demographic data.¹²

Judge Friedrich approved a voluntary dismissal of the case on June 30.¹³

11. Order, *Robinson*, No. 1:20-cv-1364 (D.D.C. May 21, 2020), D.E. 20.

12. Transcript, *supra* note 7.

13. Docket Sheet, *supra* note 5.