

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO (COLUMBUS)

<b>SHELBI HINDEL, et. al,</b>	:
	:
<i>Plaintiffs,</i>	: Case No. 2:15cv03061
	:
v.	: Judge George C. Smith
	:
<b>SECRETARY OF STATE JON HUSTED,</b>	: Magistrate Judge Elizabeth
	: Preston Deavers
<i>Defendant.</i>	:

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AFFIDAVIT OF MATTHEW M. DAMSCHRODER

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1. My name is Matthew Damschroder. I am over the age of eighteen and am competent to testify to matters contained in this affidavit. The following facts are based on my personal knowledge.
2. I am the Assistant Secretary of State and Chief of Staff in the Ohio Secretary of State's Office. I have held these positions since January 2015. Between January 2011 and January 2015, I served as Deputy Assistant Secretary of State and Director of Elections.
3. In my capacity as the Deputy Assistant Secretary of State and Director of Elections in the Office of Ohio Secretary of State Husted, I supervise a staff of about 138 full-time employees. My responsibilities include managing the operations of the Secretary of State's Office.
4. The Secretary of State's Office seeks to afford full and equal enjoyment of the services provided through the Secretary of State's website, <http://www.sos.state.oh.us/>, and intends to ensure that the Secretary of State's website conforms to Web Content Accessibility Guidelines 2.0 Level A and AA Success Criteria ("WCAG 2.0 AA").

5. To conform the Secretary of State's website to the WCAG 2.0 AA criteria, the Secretary of State's Office has to contract with outside vendors to perform the necessary website maintenance and remediation. This is because the Secretary of State's Office does not internally staff the large numbers of employees required to undertake and complete a comprehensive overhaul of its entire website, which consists of thousands of individual web pages.
6. In order to hire outside vendors to perform the tasks necessary to meet WCAG 2.0 AA criteria, the Secretary of State's Office is required to issue a Request for Proposals (RFP) through the State's procurement process. This process requires the Ohio Secretary of State to draft an RFP identifying its specific needs and then submit the RFP to the Department of Administrative Services for review and approval prior to posting. Following review and posting of the submitted RFP, a competitive bidding process begins in order to identify a vendor with the requisite expertise. The Secretary of State's office will then leverage the Deliverables Based Information Technology (DBITS) procurements vehicle offered by DAS within the RFP process. This allows the (SOS) office to select pre-qualified vendors within the specific area of website development and ADA remediation. Once the vendor has been selected and a mutually agreed upon Statement of Work has been signed off on, a purchase order can be issued to the vendor to commence work.
7. On April 18, 2016, the Secretary of State's Office issued a Request for Proposals (RFP) through the State of Ohio's procurement process, the Deliverables-based IT Service (DBITS) Initiative, to solicit competitive bids for an independent consultant or vendor with expertise concerning ADA-accessible web development and WCAG 2.0 AA. This RFP is attached for the Court's convenience as Exhibit 1.

8. Under the terms of the RFP, by September 2016, the independent consultant will provide a written assessment of the Secretary of State's website, <http://www.sos.state.oh.us/> (the "Assessment"). The Assessment will evaluate the entirety of the Secretary of State's website and all online services and content, including any and all documents, video, audio, and mobile applications posted to the website, and outline results and recommendations for conforming to the WCAG 2.0 AA criteria. Specifically, the Assessment will detail: any gaps between the current website and desired WCAG 2.0 AA criteria; the corrective actions required to achieve WCAG 2.0 AA criteria; recommendations for implementing and maintaining compliance, such as content management systems, release and change governance, building accessibility into projects, and other helpful methods; and the specific deficiencies in the Secretary of State's website compared against the WCAG 2.0 AA criteria.
9. Upon receipt of this Assessment, and as soon as practical, the Secretary of State's Office will retain an independent consultant or vendor who has experience concerning accessible website development and WCAG 2.0 AA success criteria to incorporate the recommendations into the Secretary of State's website. Retaining an independent consultant to implement the recommendations in the Assessment will require the Secretary of State's Office to issue an RFP and undertake the state procurement process outlined in Paragraph 6 of this affidavit.
10. At or around the time of the development of the new website, the Secretary of State's Office intends to hire and designate an employee, who shall report directly to me, as the Web Accessibility Coordinator for the Secretary of State's Office. This employee will be knowledgeable about WCAG 2.0 AA and general web accessibility requirements. This employee will also be responsible for overseeing, managing, and coordinating the Secretary

of State's implementation of the recommendations set forth in the Assessment. The Web Accessibility Coordinator will provide mandatory WCAG 2.0 AA success criteria training to all employees involved in the development, programming, coding, or content publishing phases of the Secretary of State's website and mobile applications.

11. The Secretary of State's Office will ensure that contractors and vendors are familiar with the WCAG 2.0 AA standard to the extent necessary to perform their duties under their respective contracts.

I declare under penalty that the foregoing is true and accurate to the best of my knowledge.



Matthew M. Damschroder

Subscribed and Sworn to before me this 19<sup>th</sup> day of April, 2016



Notary Public

NOTARY PUBLIC STATE OF MICHIGAN

My Commission Expires: