



July 16, 2021

RE: NIST-2021-0003 Request for Information, Docket No. 210608-0123

Dear Friends:

Disability Rights Michigan (DRM) is the private, nonprofit, nonpartisan protection and advocacy agency serving people with disabilities in Michigan.

DRM is pleased to comment on the NIST Request for Information (RFI) on access to voting. Survey data reported by the Program for Disability Research at Rutgers University show that voting difficulties among people with disabilities declined markedly from 2012 to 2020 but remained at twice the level faced by people without disabilities. These differences continue to persist despite longstanding accessibility protections under the Americans with Disabilities Act, Help America Vote Act, and state laws. The ability of people with disabilities to exercise their hard-won freedom to vote is sensitive to increased paperwork requirements, additional ID requirements, barriers to obtaining and casting absentee ballots, requirements that rely on easy access to transportation and physical access to public offices, and amplification of selective, partisan interference with the counting of ballots. Many such requirements are now being advanced in Michigan and elsewhere in response to unsubstantiated issues with election security, despite the execution of a national election in 2020 that saw a 14% increase in the number of ballots cast with no identified election irregularities.

DRM is pleased to endorse the written comments submitted by the National Disability Rights Network, American Association of People with Disabilities, and other advocacy organizations. Our own comments follow.

Stakeholder Engagement. To begin with, long-range planning for accessibility requires the active and meaningful participation of people with disabilities in developing and implementing policy as well as practical review of accessibility. Policymakers must prioritize disability rights



and access at the forefront of election planning and administration to ensure that policies, practices, and systems enable voters with disabilities to vote privately and independently.

Voter Registration. Michigan has same-day voter registration, subject to legislative limitations, but election workers are not always aware of how to properly register individuals. Individuals are not always aware of their rights or where to register. Online registration is sometimes inaccessible and difficult to understand.

Voting at Home. Voting at home has been increasingly used by people with disabilities, especially people with significant support needs who have historically been shut out of voting. The Rutgers survey data show that close to three-fourths (74%) of voters with disabilities voted with a mail ballot or early in-person voting in 2020. Michigan policymakers have proposed several limitations on voting at home, such as limiting mailing of absentee ballot applications, banning prepaid postage, requiring copies of identification or identifying information with completed applications, and limiting use of drop boxes. Voters with disabilities are especially susceptible to these unnecessary restrictions.

The increased use of voting at home has also brought more pressure on the system and highlighted the need for reforms such as early voting. Michigan law currently allows less than a day of early counting. The bipartisan state legislative oversight committee reporting on the 2020 election has recommended expansion of early counting as a means of making the system more usable.

Voting at the Polls. Most people with disabilities lack ready access to transportation, and the lack of accessible parking at many polling places further complicates access to in-person voting. Changes in voting laws that require multiple trips to polling places or clerks' offices, such as changes in voter ID or signature verification, will likely place an undue burden on people with disabilities and the people who support them by taking a difficult part of voting (transportation) and amplifying it.



Election officials have inconsistent training and skills in accommodating the expressed needs of voters with disabilities. We need investment in training of election officials and poll workers to ensure protection of access rights.

We continue to have problems with use of voter assist terminals (VATs), accessible electronic ballot marking devices that allow people with various types of disabilities to privately and independently generate a paper ballot at a polling place. Michigan allows counties to choose from among three devices (Dominion, ESS, or Hart). These devices are sometimes difficult to synchronize with individual assistive technology. Many clerks lack training on the basics of operating these devices, and we still find circumstances where the VATs are not plugged in, not turned on, blocked from use, or positioned so that voting is in public view. Issues also arise in accommodating specific assistive technology to the machines. The clerk in Lansing came up with an ingenious training program, staging a contest in a primary election in which the precinct with the highest percentage of all voters using the VAT were treated to lunch. Usage rates were over 90% in some precincts, succeeding in training elections staff and both demystifying and destigmatizing the use of the VATs. More recently, DRM collaborated with the state Bureau of Elections to prepare video training guides for use of the VATs.

Voters in congregate settings face additional problems with meeting state voter ID requirements, participating in remote voting, or gaining access to the polls through transportation or mobile polls.

Paper Ballots. Voting systems based on paper ballots continue to raise barriers for people who are blind, have visual impairments, or otherwise lack dexterity to handle such ballots independently. When paper ballots are required, these voters simply cannot record or review their vote privately. Michigan's Bureau of Elections piloted an online ballot delivery system as a result of court intervention in 2020, replicating the system successfully used by overseas military personnel to receive ballots, without incident. A hard and fast paper ballot requirement will likely discourage research into alternatives to paper ballots, allowing all people with disabilities to vote independently, and such research should be encouraged and funded.

Voting Information. Misinformation about voting rights, particularly about voter registration and eligibility to vote, continues to plague elections in Michigan. For example, we are one of



nine states that allows individuals subjected to guardianships to vote, but many guardians are not aware of this right. DRM provides training to individuals and guardians on voting rights and has collaborated with statewide advocates to provide a single consistent source of accurate voter information during elections. We need further educational efforts to support voters with disabilities in understanding their rights and the options available to them.

Voters also have trouble obtaining accurate, nonpartisan information about elections in accessible formats. Online materials and presentations often do not include captioning, ASL, HTML, large print, or image description. Most print ballots and ballot information is printed in small or inaccessible fonts, and people without internet access have trouble obtaining any information at all in print format.

Support for the Administration of Elections. Finally, the voting system is undersupported and underfunded. Michigan voting is a local process, with thousands of polling places, and in some cases addressing accessibility barriers is not a top priority. The process of creating thousands of individual processes is simply overwhelming. Having policies created for individual precincts makes implementation much easier.

The system also lacks adequate resources to become accessible. Michigan policymakers have compounded this problem by proposing limitations on use of federal assistance to improve election administration. Such funding limitations and restrictions further hamper the ability of state and local elections officials to make voting possible for people with disabilities.

Conclusion. Despite longstanding legal protections, voters with disabilities in Michigan still struggle to exercise their freedom to vote. This struggle extends to all aspects of the voting process.

To a large extent, the struggles of people with disabilities mirror and amplify the civil rights struggles of all marginalized people who want to vote in Michigan. The federal government can take a leadership role in adopting laws, policies and leadership practices to support people with disabilities in the exercise of this hard-won right.



**Disability
Rights**
Michigan

Thank you for the opportunity to submit these comments. Please contact me in our Lansing office at (517) 487-1755 or mmcwilliams@drmich.org if you have questions.

Very truly yours,

Mark McWilliams

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