

May 27, 2020

Dear Secretary Merrill,

Governor Lamont's executive order allowing Connecticut citizens to vote by absentee ballot for the August 11 primary, without providing for an accessible way for voters with print disabilities to mark their ballot, violates Title II of the federal Americans with Disabilities Act (ADA). Title II requires that voters with disabilities must be provided an opportunity to exercise their right to vote that is equal to the opportunity provided to voters without disabilities. This means that states and local jurisdictions that have converted to all vote-by-mail, or are in the process of converting to all vote-by-mail, must provide an accessible way for the blind, low vision and other print disabled voters to mark their ballot privately and independently at home, work, or other convenient location. Even though Connecticut is not looking into converting to all vote-by-mail voting, the executive order has put people with disabilities in the same dilemma. The paper ballot that will be mailed to all registered voters is not accessible. With respect to the ballots being mailed, this falls under section 504 of the federal ADA law. "Section 504 of the Rehabilitation Act states that public entities that receive federal financial assistance may not discriminate against people with disabilities in their programs, services, or activities."

My colleague Nathanael Wales was interviewed by Dominique Moody with NBC regarding this issue and I could not believe the response from your office. "Our office is working hard to ensure that every voter can vote in the method that is best for the voter. According to Connecticut law, voters who vote by absentee ballot can have someone they trust fill out the application and/or the absentee ballot for them if they choose." Would you look at someone helping you fill out your ballot as helpful or an intrusion of privacy? People who are blind or have other print difficulties should be allowed to vote on their own without anyone else knowing their business. It is their right. Nathanael showed an example of a remarkably simple solution to the problem. Simply emailing a PDF application and ballot to citizens who request it with proof of a print disability would allow us to vote independently. There is another solution called "Democracy Live." This program is a more permanent solution that your office could easily have up and running quickly.

I would like to discuss this matter with you to see what can be done to remedy this problem before the August primary. Members of the NFB National office would also be happy to speak with you. They have years of experience working with other states and helping them with these types of issues. The Secretary of state's office was helpful with making accessible voting available at the polls. It is now time to do the same for absentee ballots.