Officers

President
Sarah Launderville
Montpelier, Vermont

Vice President
Cliff Perez
Troy, New York

Secretary
Ami Hyten
Topeka, Kansas

Treasurer
Jeremy Morris
Gahanna, Ohio

Regional Representatives

Chairperson
Vacant

Diversity Committee

Chairperson
Vacant

Members At-Large

Brian Peters
Milwaukee, Wisconsin

Germán Parodi
Philadelphia, Pennsylvania

Eiryn Griest Schwartzman
Columbia, Maryland

Youth At-Large

Grace Trumpower
Fort Mill, South Carolina

Regional Representatives

Region I
Steve Higgins
Bridgewater, Massachusetts

Region II
Aaron Baier
Cortland, New York

Region III
Jill Jacobs
Woodbridge, Virginia

Region IV
Kent Crenshaw
Montgomery, Alabama

Region V
Maureen Ryan
Madison, Wisconsin

Region VI
Sha' Anderson
Little Rock, Arkansas

Region VII
Jenn Wolff
Waverly, Iowa

Region VIII
Vacant

Region IX
Marcos Castillo
Chandler, Arizona

Region X
Kimberly Meck
Seattle, Washington

July 15, 2021

<u>VIA ELECTRONIC SUBMISSION</u>

National Institute of Standards and Technology (NIST)
100 Bureau Drive, Mail Stop 8970
Gaithersburg, MD 20899-8970

Request for Information on Promoting Access to Voting

The National Council on Independent Living (NCIL) appreciates the opportunity to provide comments to inform the National Institute of Standards and Technology's (NIST) development of recommendations to address the barriers preventing people with disabilities from exercising their right to an accessible, private and independent vote. Voting is a fundamental right and ensuring that the vote is accessible for all voters with disabilities through these recommendations is of critical importance.

NCIL advances the independent living and the rights of people with disabilities. NCIL envisions a world in which people with disabilities are valued equally and participate fully.

Barriers to Voting Access for People with Disabilities in America

America's electoral system is complex, extremely localized, and operates in an environment of high expectations. Although voting laws in the United States have changed over time and advanced access for all voters, the nation still has a long way to go in order to ensure that all Americans have equal access to the vote.

Voters across the country are still being denied equal access to the ballot box and this includes voters with disabilities. Laws, such as the Voting Accessibility for the Elderly and Handicapped Act and the Americans with Disabilities Act, are in place to protect the rights of people with disabilities and their access to the vote. Yet, jurisdictions, election officials and policy makers make routine decisions every election cycle, knowingly or unknowingly, that prevent equal access to voting.

polling place information and sample ballots; and in casting their ballots, whether in-person in polling places or curbside, or through mail-in or absentee voting. If a voter encounters a barrier earlier in the voting process, such as during registration, they may be completely prevented from casting their ballot.

Over the years, NCIL has heard countless stories from voters with disabilities who have experienced difficulty with casting their ballots or have been unable to vote due to access barriers.

Barriers during voter registration:
- Although voter registration websites and state and local election office websites are required by the Rehabilitation Act of 1973's Section 508 to be fully accessible, many of these websites are not compliant with the Web Content Accessibility Guidelines (WCAG) 2.0, and are therefore inaccessible to voters with disabilities. This is particularly challenging for people who use assistive technology such as screen readers. These users may not be able to successfully register to vote on a voter registration website due to the website's significant access barriers.

Barriers to accessing voter information:
- Similar to the barriers for voter registration, inaccessible state and local election office websites are difficult or impossible to navigate for voters with disabilities, particularly those who depend on assistive technologies. These access barriers may make it impossible to find important information such as polling place locations and hours, voter identification requirements, and sample ballots.
- Many election offices post sample ballots that are not accessible to screen reader users. This is often done by scanning a ballot and saving it as a PDF, without taking steps to make the sample ballot readable by assistive technologies. If election offices don't make sample ballots accessible to screen reader users, print disabled individuals are not able to read the sample ballot.

Barriers to voting in-person:
- Voters with disabilities have experienced a number of barriers outside of physical polling places, including:
  - Lack of sufficient accessible parking
  - Sidewalks outside of polling places are blocked off or not navigable by wheelchair users due to disrepair
  - If there is a segregated "accessible entrance" that is different from the main path of travel, there is often a lack of signage to indicate how to get to the accessible entrance. Additionally, these entrances are often locked and need to be unlocked by a poll worker. In one case several years ago, voters with disabilities needed to be let into a locked entrance and escorted through a school during the school day. In these situations, voters with disabilities do not have equal access to the polling place and are dependent on others to be able to cast their ballot.

- Some polling places are completely inaccessible, situated in buildings that don't have ramps or elevators for people who use mobility devices. In these cases, voters with disabilities have no other option than to use curbside voting, and they do not have equal access to the polling place.
- Ballot drop boxes are placed in inaccessible locations and voters with disabilities are unable to reach them. Additionally, ballot drop boxes themselves may be designed in an inaccessible manner. This can include drop boxes that are too high for short-statured people or wheelchair users to reach, or drop boxes that cannot be easily opened by someone with a physical disability that impacts their hands or arms.
- Currently, the Help America Vote Act (HAVA) mandates that polling places have one accessible polling station. This is not a sufficient number of accessible polling stations, especially for polling places that see a larger number of voters with disabilities. Requiring only one accessible voting system per polling station segregates voters with disabilities, and usually results in a loss of privacy for voters with disabilities, especially when the ballot produced by accessible polling stations is not identical to other voters' ballots.
- Poll workers often do not know how to use accessible polling equipment. Many voters with disabilities have reported that poll workers are unable to answer questions about how to use the accessible polling station. Oftentimes, these polling stations are sitting in a corner, sometimes without the power on. Voters with disabilities have reported being discouraged from using the accessible polling station, and have had negative experiences with poll workers who do not understand disability or how to use the accessible equipment. Some have experienced being told that they don't "appear" to need the accessible polling station.
- Voters with disabilities have encountered many barriers to using curbside voting. Voters have had difficulty contacting a poll worker inside the polling location to come and provide curbside assistance. Some voters with disabilities are expected to travel with a "helper" who can enter an inaccessible polling location to ask for assistance.

Barriers to voting remotely or via absentee ballot:
- Paper-based mail-in and absentee ballot systems are inaccessible for people with print disabilities. People with disabilities have the legal right to vote privately and independently, but paper-based absentee and remote voting systems deny that right to voters with disabilities who want or need to vote from home. These voters require a fully electronic means of voting remotely. While some jurisdictions have started to provide that, others still rely completely on paper-based voting, and others provide electronic delivery and marking, but require the voter to print out the ballot for verification and return. These systems are inaccessible for voters with disabilities.

Recommendations to Improve Voting Access for People with Disabilities in America

People with disabilities have overcome tremendous odds to participate in elections, but they simply should not have to. Moving forward, America must better address the barriers voters with disabilities encounter while voting. To promote access, jurisdictions, election officials and policy makers must include people with disabilities in the planning process, combining elections official's expertise in administering elections with disability advocate's expertise in providing access.

RECOMMENDATIONS TO PROMOTE ACCESS TO VOTERS WITH DISABILITIES

Prioritize disability rights at the forefront to ensure policies and systems enable voters with disabilities to vote privately and interpedently and include people with disabilities in decision making processes. Voters with disabilities must be included in decision making and discussions about policies and systems that will impact their right to register and vote.

Increase options for voters, including online, automatic, and/or same day voter registration, early voting, curbside voting, and ballot drop boxes. All voters, and especially voters with disabilities, benefit from more options to register to vote and cast their ballots. Online voting must be made fully accessible to voters with disabilities, and state and local election offices must make their websites fully compliant with accessibility regulations. By increasing early voting, curbside voting, and ballot drop boxes, voters with disabilities will have more options to cast their ballot and will be able to find a means to vote that is most accessible given their circumstances. Each of these processes must be made fully accessible. Additionally, the increase in voting options for all voters will lead to a reduction in long lines at polling places on Election Day. Long lines are a significant access barrier for voters with disabilities, particularly those who have disabilities that make standing or waiting for long periods impossible.

Fund and improve research on voters with disabilities and voting access barriers. Research is instrumental to understanding the prevalence of barriers for voters with disabilities. Unfortunately, the current data on voters with disabilities and the accessibility of the voting process provide an incomplete picture of voters with disabilities and the barriers they face. Most data on voters with disabilities comes from the U.S. Census Bureau's American Community Survey, which breaks people with disabilities into several large groups that generally fall under hearing disability, vision disability, mental or cognitive impairment, or physical disability. However, these groups fail to encompass all voters with disabilities, and may particularly leave out people such as those with chronic illnesses.

Increase the number of accessible voting systems/equipment at polling places. "One accessible voting system per polling place" is insufficient for meeting the needs of

millions of voters with disabilities. It means that accessible equipment is less available for voters with disabilities and poll workers often don't know how to use or discourage use of accessible voting equipment. HAVA must be amended to replace this language. New language should state that a polling place requires "a sufficient number of accessible voting systems" or similar. Additionally, the U.S. Election Assistance Commission, Department of Justice, or Access Board should issue guidance outlining why only one accessible system per polling place constitutes a major access barrier, segregates voters with disabilities, and leads to a loss of privacy for voters with disabilities.

Elevate funding and focus on voting accessibility within federal agencies. Funding for election security should always be balanced with funding for voting accessibility. Currently, funding for voting accessibility lags behind funding for voting security, which contributes to the ongoing systemic inaccessibility of voting for people with disabilities. The government must identify, establish, and fund federal agencies who have responsibility for advancing voting accessibility. This should include establishing an Office of Accessibility within the Election Assistance Commission (EAC) to support and oversee state efforts to expand voter accessibility and serve as a resource for advocates and voters. It should also include authorizing, funding, and staffing a voting accessibility unit within the U.S. Access Board to provide technical support to the EAC Office of Accessibility and to NIST. Both the EAC Office of Accessibility and the Access Board Voting Access Unit should have the authority to convene advisory groups to provide technical advice and ongoing feedback on voting access issues.

Additionally, funding should be provided to the EAC Office of Accessibility to implement projects that will advance voting accessibility for both in-person and remote voting. This is particularly important for addressing the current inaccessibility of remote voting systems. Funding must be directed to create pilot projects and advance accessible remote voting for voters with disabilities. Funding should also be directed toward development of accessible in-person voting systems and/or components specifically for accessible verification and casting of paper ballots.

Promote campaigns to educate voters with disabilities about their right to a private and independent vote and what options are available to them. The federal, state, and local governments must make more efforts to educate voters with disabilities on their right to vote and the options available to them. This information must be made available in plain language and in formats that are fully accessible to voters with disabilities, including fully accessible online information.

Invest in training of election officials and poll workers to ensure they are advocating for and protecting the rights of voters with disabilities. Voters with disabilities have experienced bias from poll workers, especially when poll workers have been implicitly empowered to decide who is "disabled enough" to use accessible polling equipment or need specific assistance. To address both bias against voters with disabilities and systemic inaccessibility in the polling process, a national resource center on accessible voting should be created to conduct cultural competency trainings for

election officials and poll workers to create truly accessible voting systems and experiences.

Conclusion

The National Council on Independent Living applauds NIST for requesting information from the public on ways to promote access to voting in America for people with disabilities. The barriers voters with disabilities face every election cycle are long overdue to be addressed and any and all recommendations must actively include the voices of the disability community in order to be successful and equitable.

Practical solutions, including temporary fixes, to many of the barriers facing voters with disabilities already exist, but America must first begin prioritizing voters with disabilities. NIST's recommendations have the opportunity to truly protect the rights of people with disabilities, but to be successful, the recommendations must actively include access and voters with disabilities.

People with disabilities will not be overlooked or forgotten and will continue to have their voices heard on Election Day. They cannot and will not be scared off from the ballot box as the U.S. strives for full realization of equal access.

Thank you for the opportunity to comment on promoting access to voting. If you have any questions, please contact Sarah Blahovec at sarah@ncil.org or 202-207-0334 ext. 1103.

Sincerely,

Reyma McCoy McDeid
Executive Directory