



Enhancing Accessibility in U.S. Elections

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Introduction and summary

Authors' note: The disability community is rapidly evolving to using identity-first language in place of person-first language. This is because it views disability as being a core component of identity, much like race and gender. Some members of the community, such as people with intellectual and developmental disabilities, prefer person-first language. In this report, the terms are used interchangeably.

In 2020, voters with disabilities turned out in force in one of the most consequential elections in U.S. history. According to data compiled by the U.S. Census Bureau, nearly 62 percent of disabled voters cast a ballot in the November 2020 election, compared with just about 56 percent of disabled voters who participated in the 2016 presidential election. 2020's high turnout is demonstrative of disabled voters' unwavering resolve to make their voices heard and to fully participate in American democracy. While all voters—regardless of disability status—experienced difficulties in registering to vote and casting ballots last year due to the coronavirus pandemic, disabled voters faced particularly significant challenges. Registering or voting in person was especially hazardous for disabled people with certain chronic, preexisting health conditions.¹ Some disabled people who rely on transportation assistance faced logistical obstacles as public modes of transportation came to virtual halts nationwide and the sharing of vehicles posed health risks.² And while vote by mail offered many voters—disabled and not disabled alike—a safe and effective alternative to in-person voting, it posed complications for those with visual and dexterity impairments.³

These barriers to voting for Americans with disabilities are not new; rather, the coronavirus pandemic exacerbated the existing barriers that disabled Americans have been facing for generations.⁴ Each cycle, disabled people across the United States are forced to overcome immense challenges and make enormous sacrifices to exercise their fundamental right to vote.⁵ U.S. election systems and infrastructure are not designed with disabled voters in mind. Disabled voters' unique and varying needs are frequently overlooked by policymakers, and election accessibility is sometimes dismissed as a logistical and fiscal impossibility. Voting options that could dramatically

improve accessibility are too often sacrificed in the interest of security. The result is inaccessible polling places and voter registration offices; inadequate registration and voting accommodations; and election information that is unreadable for some.⁶

Systemic inaccessibility at nearly every step in the voting process causes difficulties for disabled voters, resulting in notable participation gaps between disabled and non-disabled voters. A prominent February 2021 study, the 2020 Election Disability and Voting Accessibility Survey conducted by the U.S. Election Assistance Commission (EAC) and Rutgers University, found that in 2020, disabled Americans were roughly 7 percentage points less likely than nondisabled people to participate after adjusting for age.⁷ This must change. Barriers to accessibility must be removed to enable disabled people to participate in elections to the same extent and in equal measure to those who are not disabled. Such is demanded by central tenets of participatory democracy and federal law. This report, which heavily cites the 2020 Election Disability and Voting Accessibility Survey throughout, examines several election-related hurdles that hinder or prevent disabled voters from participating fully in the democratic process, including during the 2020 election cycle. It then offers recommendations that policymakers can adopt to improve election accessibility for disabled voters, including the following:

- Provide robust and continuous federal funding for election administration.
- Conduct comprehensive accessibility audits on election systems with reform mandates.
- Adopt pro-voter policies and meaningful accessibility standards for elections.
- Rescind anti-voting rules and reform guardianship laws.
- Develop safe and accessible election technology.
- Crowdfund low- and no-cost accessible voting solutions.
- Enhance enforcement of federal voting laws.

It is long past time that policymakers prioritize improving election accessibility. Enhancing election accessibility and closing participation gaps are wholly achievable and within America's grasp. Tools and resources exist to accomplish the job; politicians and policymakers must exercise the political will to wield those tools.

Barriers to participating in elections

In 2020, voters with disabilities were nearly twice as likely as nondisabled voters to experience problems when voting.⁸ In all, roughly 1 in every 9 disabled voters faced barriers to accessing the ballot box.⁹ Put another way, across all voting methods, approximately 11 percent of disabled voters reported difficulties voting in 2020, according to the 2020 Election Disability and Voting Accessibility Survey. This is a marked improvement from past election cycles. For example, in 2012, the last time a comparable study was completed, 26 percent of disabled voters reported experiencing problems while voting. Although this improvement is worth celebrating, it does not take away from the fact that election systems remain inaccessible for many. Indeed, people with vision and cognitive impairments were especially likely to experience obstacles in 2020. An estimated 7 million eligible voters have a visual disability; 13.1 million eligible voters are estimated to have a cognitive disability.¹⁰

The types of election-related hurdles that hinder or prevent voters with disabilities from participating in elections are as diverse and varied as the disability community itself.¹¹ Disability is not a monolith: It has broad meaning and is not limited to physical or cognitive disabilities, as is so often wrongly assumed. People who are disabled may have symptoms that affect their hearing or vision, may experience memory loss, or may have difficulty learning or communicating.¹² Some disabled people utilize mobility assistive devices to ambulate. Mental health conditions also qualify as disabilities.¹³ The list goes on.

Each disabled voter has unique needs dependent on their specific disability. Factors impeding a blind voter's ability to cast a ballot may be different from those affecting a voter with a cognitive disability or social anxiety disorder. The overlapping burdens experienced by Black, Indigenous, and people of color (BIPOC) who are disabled cannot be overemphasized. Disabled BIPOC are doubly burdened with accessibility barriers and anti-voting policies designed specifically to prevent BIPOC from participating in elections, such as strict voter ID and signature matching requirements, polling place closures in BIPOC communities, and restrictions on mail and early voting.

With respect to an individual, the ADA Amendments Act of 2008 defines disability as "a physical or mental impairment that substantially limits one or more major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment."¹⁴

One in 4 Black Americans have a disability, while every 3 in 10 American Indians and Alaska Natives are disabled.¹⁵ It is important for policymakers to keep these realities in mind as they identify barriers that keep disabled Americans from fully participating in the democratic process. Taking a holistic approach to pinpointing accessibility barriers is necessary to ensuring that all disabled Americans—no matter their disability—have equal access to elections.

Below, the authors provide a sampling of barriers to voting and elections that make participating harder for voters with different types of disabilities. This list is in no way exhaustive. It does not include a discussion of inaccessible campaign webpages where voters obtain important information about candidates, nor does it examine how disabled people are disadvantaged by big money in politics. Still, the list below offers policymakers a good starting point to begin to thoughtfully examine inadequacies in their own election systems and to brainstorm solutions. Policymakers must work closely with affected voters and advocates representing varied disabilities and interests to discern all the ways that existing election systems are inaccessible.

Inaccessible voter registration

An individual must first register before they can vote. Depending on the jurisdiction, a voter may register in person at a designated registration office, by mail, or online.¹⁶ A growing number of states automatically register eligible Americans who interact with certain agencies such as departments of motor vehicles (DMV), unless the person declines.¹⁷ For decades, these registration methods have successfully added millions of Americans to voter rolls, yet they pose challenges for disabled voters. Federal law requires states to make voter registration fully accessible to people with disabilities. But for many disabled Americans, that right too often goes unrealized. In 2020, people with disabilities were 3 percentage points less likely than people without disabilities to report being registered to vote, according to the U.S. Census Bureau.¹⁸ Although that number may seem small, it translates to millions of Americans. Disabled voters with cognitive difficulties, as well as those with self-care and independent living difficulties, were especially unlikely to be registered.¹⁹

Requiring assistance when registering to vote can pose fewer privacy concerns than the act of voting. There is also lower risk of coercion. Still, registrants with disabilities should be able to complete voter registration processes privately and independently, just as nondisabled registrants do.

Registering in person

The National Voter Registration Act (NVRA) requires that states make available various options for registering to vote.²⁰ The law requires states to offer voter registration services at state DMVs and at other state and local government entities, such as public assistance and disability offices.²¹ At these places, employees are required to provide registration materials and assist people with disabilities in completing

and returning necessary paperwork.²² Unfortunately, government entities sometimes fail in their duty to assist disabled voters in registering to vote.²³ Investigations by nonprofits into state NVRA compliance discovered that some designated entities do not offer registration services or do so intermittently, do not make registration materials available, or are unaware of their duty to offer such services to people who interact with their offices.²⁴

Regrettably, state DMVs have been found largely inadequate for registering people with disabilities. Disabled people, particularly those with certain visual and mobility impairments, underutilize DMV services either because they cannot drive or because obtaining a driver's license is exceedingly difficult. Disabled people are less likely than nondisabled voters to drive their own or a family vehicle.²⁵ Although the Americans with Disabilities Act (ADA) prohibits DMVs from denying driver's licenses because of disability status, burdensome requirements for disabled people can have the same overall effect. For example, some states require people with epilepsy to provide a physician's note confirming they can drive safely and/or require disabled drivers to provide periodic reports attesting they have been seizure-free for a certain period of time.²⁶ Furthermore, DMVs located in rural communities and other areas with high BIPOC densities have been shut down in recent years. As noted previously, BIPOC are disproportionately likely to have one or more disabilities.²⁷

NVRA noncompliance at designated government entities and inaccessibility of DMVs have implications for automatic voter registration (AVR) systems because AVR relies heavily on registrant data derived from these locations.²⁸ As a result, disability advocates have raised concerns that some AVR systems are underinclusive of disabled people who want to register. According to the National Conference of State Legislatures, at least eight states operate AVR programs solely out of the DMV.²⁹

Registering by mail

The NVRA further requires states to offer voter registration services by mail.³⁰ Registering by mail, which remains among the only registration options in eight states, is problematic for Americans who have print disabilities, or difficulty or inability to read printed material due to a perceptual, physical, or visual disability.³¹ For these individuals, completing paper registration forms and returning them by mail may be impossible without assistance, especially if registration paperwork is not made available in accessible downloadable and fillable formats. The act of placing paper registration forms in the mail is problematic for voters who have difficulty traveling to the mailbox or post office. Even obtaining information online about how to register can be

difficult for disabled registrants. A 2020 review by the Miami Lighthouse for the Blind and Visually Impaired found that election webpages in 12 battleground states were in violation of ADA accessibility standards to varying degrees.³²

Registering online

Online registration, which has been adopted by 41 states and Washington, D.C., poses its own challenges for voters with disabilities.³³ To register online, potential registrants must visit and complete the relevant forms found on official webpages, which can be inaccessible for some people with disabilities.³⁴ A 2015 study by the American Civil Liberties Union and the Center for Accessible Technology found that only one state—California—had an online registration system that was fully accessible.³⁵ At that time, most states failed to meet even minimum accessibility standards.³⁶ Although improvements have been made since that study was completed, some election websites still are not designed to accommodate magnifying tools that assist low-vision users in reading and completing online forms. Others are not built for screen reading technology that helps translate text into spoken word for registrants with visual impairments. Websites that require the use of a keyboard or mouse, lack explanatory graphics, and rely on highly complex, technical language pose significant hurdles for registrants with dexterity and cognitive disabilities. These same technical deficiencies prevent disabled voters from accessing important election-related information about registration and vote-by-mail deadlines as well as information about designated polling locations and relevant documentation required to cast a ballot.³⁷

Inaccessible voting

Several federal laws require voters with disabilities to have equal voting access.³⁸ They include the Help America Vote Act of 2002 (HAVA); Americans with Disabilities Act; Voting Rights Act of 1965 (VRA); Rehabilitation Act of 1973; and the Voting Accessibility for the Elderly and Handicapped Act of 1984 (VAEHA).³⁹ Together, these laws guarantee the following rights:

- People with disabilities must have full and equal access to cast ballots that count.
- In-person voting sites and polling places must be fully accessible to disabled voters.
- People who need assistance when voting by reason of disability or limited English proficiency must be able to choose the person who assists them, with few exceptions.
- The right to vote cannot be conditioned on a voter's ability to read or write or on a similar test of cognitive capabilities.
- Each polling place in federal elections must have at least one accessible voting machine that enables voters with disabilities to cast a secret, independent ballot.

Unfortunately, disabled voters often find that these mandates are unmet to varying degrees when they try to vote in person or by mail. Roughly one-sixth of disabled voters required assistance and/or had trouble casting a ballot last year.⁴⁰

Voting in person

Disabled voters have come to expect that they will face myriad obstacles when showing up to designated voting sites—and 2020 was no exception. Last year, roughly 49 percent of disabled voters voted in person on or before Election Day.⁴¹ Ultimately, 18 percent of disabled voters who chose to vote in person at a polling place or election office last year experienced problems casting a ballot.⁴² This is compared with 10 percent of nondisabled in-person voters.⁴³ Individuals with cognitive and visual disabilities, as well as those who require assistance with daily activities, were disproportionately likely to report problems at in-person voting locations.⁴⁴ Disabled voters who had difficulty voting in person in 2020 reported encountering polling places that were inaccessible, ballots they had difficulty reading or seeing, and problems associated with waiting in line to vote.⁴⁵ Others reported difficulties communicating with poll workers and with understanding how to use voting equipment; a small percentage of disabled voters also reported being treated disrespectfully by election officials.⁴⁶ Among disabled voters who voted in person and required assistance last year, one-sixth did not receive the help they needed.

Inaccessible voting locations: Polling place inaccessibility is among the most common problems encountered by disabled voters.⁴⁷ An oft-cited 2017 report by the U.S. Government Accountability Office (GAO) found that 60 percent of polling places had at least one impediment that made them inaccessible.⁴⁸ Problems ranged from deficient ramps for wheelchair access, inadequate passenger drop-off areas, and insufficient signage indicating accessible entrances or causeways.⁴⁹ In 2020, voters with disabilities were nearly six times more likely than nondisabled voters to experience difficulties entering polling places.⁵⁰ For voters who are blind or with low vision, low-hanging signage or tree branches in and around polling places; blockades in hallways or along sidewalks; and open stairwells pose risks to voting in person.⁵¹ Such impediments also make in-person voting harder for voters with disabilities who use wheelchairs, scooters, and other mobility aids and who require wide unobstructed pathways to move around.⁵² An estimated 21.3 million eligible voters have a disability that affects mobility.⁵³ Doorways that are not automated, propped open, or outfitted with accessible hardware may make it impossible for some disabled voters to enter without assistance.⁵⁴

Problems at check-in: Problems persist during the voter check-in process. Voters who are deaf or hard of hearing have trouble communicating with election workers where information is not provided in writing and where workers face downward or away from the voter when speaking so that the deaf or hard of hearing person cannot lip-read.⁵⁵ An estimated 11.6 million eligible voters are deaf or hard of hearing.⁵⁶ Wisconsin voters previously were required to verbally state their full name and address when they showed up to vote, which created barriers for disabled voters with communication disabilities, though that law has since been repealed.⁵⁷ Although disabled voters are supposed to be informed at check-in about their right to assistance and accessible machinery, this does not always happen, leading to complications.⁵⁸ Unfortunately, some disabled voters have reported being asked offensive questions about their disability status during the check-in phase. Even worse, some have reported having their right to vote challenged or being told they should not be allowed to vote.⁵⁹

Accessible voting methods: HAVA requires at least one accessible machine at each polling place.⁶⁰ But HAVA is the floor, and its one-machine-per-polling-place mandate is inadequate in densely populated areas or at high-traffic voting locations where disabled voters must endure prolonged wait times to use the polling station's sole accessible machine. Additionally, jurisdictions are not always compliant with federal law. Voting locations that do have assistive machinery do not always have them turned on or ready to go when polls open, which forces unnecessary wait times on disabled voters who require their use,⁶¹ and some machines are inoperable.⁶² Many disabled voters report poll workers being inadequately trained on the use of accessible voting equipment, such as ballot marking devices like ExpressVote machines, and their assistive features like magnification.⁶³ Some 10 million Americans "need to use magnification in order to vote accurately, efficiently, and with confidence."⁶⁴ In 2020, compared with nondisabled voters, disabled voters who voted in person reported greater difficulty reading or seeing their ballot and understanding how to use voting machines.⁶⁵ These voting impediments can be highly discouraging. At best, a disabled voter is forced to endure an overly complicated and often demoralizing voting process. At worst, a disabled voter's ballot may get lost or the voter may leave the polling place in frustration without having voted at all.

Privacy: Insufficient poll worker training also results in disabled voters being denied their right to choose for themselves who will provide voting assistance. Mistakenly believing they are protecting the disabled voter from potential coercion, poll workers have blocked family members, friends, or care aides from accompanying disabled voters into the voting booth. Sometimes, the disabled voter is told they must vote alone or not vote at all.⁶⁶ Other times, election workers designate themselves to assist the voter, which has privacy implications.⁶⁷ The 2020 Election Disability and Voting Accessibility Survey found that of disabled voters who needed assistance at polling places last year,

more than half were helped by an election official, while nearly one-fifth received assistance from a family member.⁶⁸ Reports have also surfaced of accessible election machinery without privacy screens being placed in high-traffic areas at voting sites, allowing anyone walking by to see how the disabled person voted. It must be said that moving accessible machinery into a dark corner at the back of a polling place is not a solution;⁶⁹ disabled voters must not be isolated from other voters.

Voting by mail

Voting by mail was the most popular method for casting a ballot among disabled voters during the 2020 election. Roughly 51 percent of disabled voters cast their ballot by mail last year.⁷⁰ The proportion of disabled voters who chose to vote by mail exceeds the share of nondisabled people who voted by mail in 2020—about 44 percent—and surpasses 2012 levels for disabled mail voters by more than 27 percentage points.⁷¹ Substantial reliance on mail voting among disabled voters in 2020 can be linked, at least in part, to the coronavirus pandemic and the disproportionate impact its health risks and cascading effects had on Americans with disabilities. The pandemic made voting in person especially risky for disabled voters with certain chronic, preexisting health conditions.⁷² Voters such as these were more susceptible to developing severe health complications if they encountered a COVID-19-positive person at an in-person voting site. Health risks associated with and limited access to public transportation and ride-sharing during the pandemic also made traveling to in-person voting locations difficult for some voters with disabilities. Disabled voters are more likely than nondisabled voters to rely on ride-sharing or taxis and public transportation.⁷³ Some disabled people also rely on paratransit to get to and from places.

Vote by mail provided many disabled voters with a good method for making their voices heard in 2020. Only about 5 percent of disabled voters reported difficulty voting by mail last year, which is an improvement from 2012.⁷⁴ Still, disabled voters are roughly twice as likely as nondisabled voters to encounter difficulties voting by mail, and significant obstacles remain.⁷⁵ Tensions between security and accessibility are especially pronounced in the mail-voting context.⁷⁶ Technologists and election security experts warn that the electronic return of voted ballots poses risks of ballot tampering and system malfunctions where votes can be lost. At the same time, voting and disability advocates argue such methods are needed to protect the federally guaranteed rights of disabled voters. To date, policymakers have struggled to balance these interests.⁷⁷

Inaccessible mail-voting forms: Obtaining a mail ballot poses difficulties for disabled voters who have physical, cognitive, and visual impairments. Many of the same problems discussed in the mail and online registration sections also apply to mail voting. Election webpages where voters can apply to receive mail ballots often do not accommodate tools

used by people who are blind, have low vision, or cannot use keyboards or a mouse. Directions for applying for and casting a mail ballot routinely use convoluted language with odd formatting and often lack helpful explanatory graphics, which causes problems for individuals with certain cognitive disabilities.⁷⁸ A 2020 study found that 43 states had mail-ballot application webpages that had at least one critical fault that made them inaccessible.⁷⁹ On average, state webpages had 10 critical or serious accessibility issues.⁸⁰ Problems persist once ballots arrive by mail. Compared with nondisabled voters, voters with disabilities—especially those with low vision and who require assistance in daily life—had a harder time reading their mail ballots last year.⁸¹ A growing number of states allow voters to submit mail-ballot applications online and to receive ballots electronically. However, some places still require absentee applications and ballots to be sent and received by mail, which can be difficult for those who cannot easily travel to mailboxes or the post office. Some post offices, especially those located inside older buildings, are inaccessible to people with disabilities.⁸² Low-income voters may also lack printers necessary for printing and returning ballots or mail-ballot applications. Only about 1 percent of disabled voters who voted by mail in 2020 received their ballot through the computer.⁸³

Privacy and independence: Inaccessible absentee request forms and states' reliance on mail paper ballots make it impossible for some disabled voters—particularly voters with low vision and with disabilities that affect the arms, hands, or fingers—to cast a secret, independent ballot.⁸⁴ Absentee request forms and mail ballots are seldom compatible with software programs that enable voters with visual and physical disabilities to complete them alone on their computers using assistive aids. Some blind voters have the option to cast mail ballots in Braille, but this still involves election workers hand-copying the voter's ballot onto a "standard" paper ballot before feeding it through vote tabulators, which violates the voter's right to a secret ballot.⁸⁵ Some jurisdictions will transport accessible equipment to assisted living centers or places where disabled voters live, but this is not an option everywhere, especially in rural areas with limited resources. In 2020, the coronavirus pandemic restricted transportation of voting equipment to places such as nursing homes due to concerns over higher rates of mortality among people 65 and older.⁸⁶ For security reasons, most states have barred use of technology that could allow disabled Americans to cast ballots electronically at home or on their mobile devices.⁸⁷ Nineteen states require voters to return voted mail ballots via the postal service.⁸⁸ Jurisdictions such as West Virginia and Delaware have experimented with mobile phone apps or electronic voting pilot programs, but these initiatives have been criticized by election security experts.⁸⁹

Inaccessible mail-voting systems introduce substantial privacy concerns for disabled voters and disability advocates. According to the 2020 Election Disability and Voting Accessibility Survey, 11 percent of disabled voters who cast mail ballots last

year required assistance in completing or returning their ballots.⁹⁰ People with low vision had the most difficulty completing and returning mail ballots in 2020; they comprised a quarter of disabled voters who needed help.⁹¹ Although many disabled voters have trusted friends, neighbors, and family members who can assist them, this may not always be the case. As described by Tracy Soforenko, president of the National Federation of the Blind of Virginia, “You have to find someone to help you complete that ballot, and you have to trust that they’ll adequately complete that ballot as you wish. People have really strong opinions about voting. Your neighbor might not necessarily agree with who you want to vote for. I wouldn’t know that they completed my ballot accurately. That’s not fair. That’s not right. That’s not the private, independent ballot that we are guaranteed.”⁹²

Signature matching: Most states require voters to sign mail-ballot return envelopes to confirm their identity, which is used to compare the voter’s signature to one that the jurisdiction has on file. Signature matching processes are prone to errors and result in valid ballots being incorrectly discarded.⁹³ In Ohio, which relies on signature matching, one expert estimated that during the 2020 primary election, 97 percent of ballots rejected based on purported signature mismatching were likely wrongly discarded.⁹⁴ Signature matching processes are also widely considered to be discriminatory, and disabled voters are among those most targeted.⁹⁵ Voters who are blind or have low vision and voters who have limited dexterity may have difficulty signing their names or doing so in a consistent manner.⁹⁶ The signature that a jurisdiction has on file may appear very different from that found on a disabled voter’s mail ballot. Ballots signed using accessible signature stamps, which are relied upon by some disabled voters to create uniform signatures, have also been rejected.⁹⁷

Restrictions on ballot collection: Rigid restrictions on who can return someone’s mail ballot disproportionately disadvantage disabled voters as well. Voters with mobility impairments—particularly those who live in congregate settings or who receive home-based services—rely on caregivers, community advocates, and friends or family to assist them in completing tasks. There are approximately 3.6 million people in America who are unable to travel because of a disability.⁹⁸ Yet Alabama and Tennessee prohibit ballots from being returned by anyone other than the voter themselves.⁹⁹ There are more 567,000 nonelderly disabled people living in Alabama and some 751,500 living in Tennessee.¹⁰⁰ Ten states allow only family members to return mail ballots on behalf of the voter.¹⁰¹ This is problematic for disabled Americans who may live far away from or be estranged from family. Instead, these voters rely on help from caregivers, community advocates, or friends who are barred from collecting and returning their ballots to election officials.

Guardianship laws

Most states and Washington, D.C., permit judges to strip people with certain cognitive disabilities—such as Down syndrome and Schizophrenia—of their voting rights.¹⁰² An estimated 1.5 million adults in the United States are subject to legal guardianship.¹⁰³ These laws rely on an outdated assumption that people under guardianship lack the capacity to make informed decisions about voting. Guardianship laws restricting voting access are unconscionable and discriminatory.¹⁰⁴ Policymakers argue these laws are necessary to prevent disabled people with cognitive disabilities from being coerced into voting. But the reality is that many disabled people with guardians are fully capable of making decisions over casting a ballot. Worth noting is that voter coercion is already a crime. Under guardianship laws, however, it is the voter who gets punished. As described by Charles P. Sabatino, director of the American Bar Association’s (ABA) Commission on Law and Aging, “Adults under guardianship lack the decisional capacities needed to take care of one or more essential needs such as health, food, clothing, or shelter; yet, too often overlooked is the fact that in most cases, they do not lack all capacities, and the level of their impairments can fluctuate over time.”¹⁰⁵ States are increasingly moving toward rescinding and modifying these laws, but too many disabled Americans remain disenfranchised.¹⁰⁶ As cited in a 2019 report by the Center for American Progress, one study found that in California alone, at least 32,000 individuals have been disenfranchised on account of guardianship laws over the past decade.¹⁰⁷

Anti-voting policies

Anti-voting laws, which are designed to keep Americans of color from accessing the ballot box, also prevent disabled people from making their voices heard each election cycle. Voter suppression policies such as voter ID laws, early-voting restrictions, and disenfranchisement of justice-involved individuals disadvantage voters with disabilities, who are less likely to have accepted forms of identification and rely on extended in-person voting opportunities to make their voices heard.¹⁰⁸ Indeed, studies show that 11 percent of voters lack requisite forms of identification; elderly people, people with low-incomes, and BIPOC are disproportionately likely to lack government-issued ID.¹⁰⁹ Nearly one-quarter of disabled voters cast ballots early in 2020, and prison inmates are three times more likely than the general public to have at least one disability.¹¹⁰ Overall, 32 percent of prison inmates have at least one disability, with cognitive disabilities being the most common.¹¹¹ Discriminatorily motivated policies aimed at limiting the availability of curbside voting and ballot drop boxes and reducing the number of polling places in low-income communities excessively burden disabled voters, especially people with mobility disabilities. Research has found that restrictions over who is allowed to vote by mail can result in lower turnout among disabled voters.¹¹²

Solutions for improving the voting experience and boosting participation

To eliminate participation gaps between disabled and nondisabled voters, substantial improvements must be made to America's election infrastructure and voting processes. The goal must be to not just shrink voter turnout gaps between disabled and nondisabled voters—but eliminate such gaps altogether.

For elected officials, improving voting accessibility is required by law. It is also smart politics. Across the United States, disabled people comprise influential voting blocs.¹¹³ According to the most recent estimates, there are more than 61 million disabled adults living in the United States, with voters who are disabled comprising nearly one-fifth of the U.S. electorate.¹¹⁴ The proportion of disabled adults in the United States is expected to expand substantially as more Baby Boomers reach senior citizen status; it is estimated that 40 percent of all voters will have some type of disability in coming years.¹¹⁵ Long-term effects from COVID-19 are also expected to significantly enlarge the share of disabled Americans in the United States. Lawmakers must champion accessible voting solutions or risk isolating or disenfranchising enormous numbers of potential voters.

Every voter must have equal access to the ballot box, and the recommendations outlined in this report will help to ensure that promise is fully realized by voters with disabilities. To eliminate participation gaps between disabled and nondisabled voters, policymakers must do the following:

- Provide robust and continuous federal funding for election administration.
- Conduct comprehensive accessibility audits on election systems with reform mandates.
- Adopt pro-voter policies and meaningful accessibility standards for elections.
- Rescind anti-voting rules and reform guardianship laws.
- Develop safe and accessible election technology.
- Crowdfund low- and no-cost accessible voting solutions.
- Enhance enforcement of federal voting laws.

In thinking through policy solutions for improving voting accessibility, policymakers and election officials must consider equity gaps in access to computers, smart phones, and other electronic devices. Only about 77 percent of American adults report owning a laptop or desktop; just 53 percent report owning a tablet device.¹¹⁶ Low-income voters and voters of color are especially unlikely to have ready access to these tools. Of Americans making less than \$30,000 annually, only about 76 percent of people own smartphones, compared with 96 percent of those making at least \$75,000.¹¹⁷ Similarly, those in charge cannot assume that every disabled voter will have assistive care or a trusted aide who can help them complete voting-related tasks. Election systems, accessible voting solutions, and emerging voting technology must be designed in ways to ensure that all voters with disabilities have full and equal access to the ballot box and can cast a secure and independent ballot regardless of whether they have a personal electronic device or can afford help.

The Biden-Harris administration demonstrates an ongoing commitment to improving accessibility

At the executive level, President Joe Biden has already issued an executive order with initiatives designed to improve election accessibility. Among other things, the March 7 order directed the General Services Administration to improve Vote.gov and ensure the site has user-friendly interfaces that comply with federal accessibility standards.¹¹⁸ It also directed the National Institute of Standards and Technology (NIST) to “evaluate the steps needed to ensure that the online Federal Voter Registration Form is accessible to people with disabilities” and “analyze barriers to private and independent voting for people with disabilities, including access to voter registration, voting technology, voting by mail, polling locations, and poll worker training” in consultation with other federal agencies.¹¹⁹ NIST is required to publish recommendations following these assessments. Furthermore, federal agencies are ordered to explore ways to better

assist individuals in registering to vote and obtaining important election information and resources as well as to promote voter participation generally. These directives will be especially beneficial to voters with disabilities who frequently interact with federal agencies such as the Indian Health Service, U.S. Department of Veterans Affairs, and U.S. Social Security Administration.¹²⁰ Beyond this, in March 2021, President Biden took the unprecedented step of naming Kimberly Knackstedt as the first person to serve in the newly created role of disability policy director for the White House Domestic Policy Council.¹²¹ White House staffers focused on voting-related matters should work in close consultation with Knackstedt to ensure the unique needs of disabled voters are fully incorporated into the president’s pro-democracy agenda.

Provide robust and continuous federal funding for election administration

Election funding constraints harm all voters. But when elections are underfunded, it is voters with disabilities and those belonging to other historically underrepresented groups who suffer most. Jurisdictions lacking adequate funding for elections tend to direct whatever little money they have to equipment or initiatives that will do the most good for the most people. There is some logic in this approach; forced to make do with limited funds, jurisdictions want to get the most bang for their buck. The problem, however, is that the needs of voters belonging to groups making up a small proportion of the population, such as those with disabilities, are often overlooked or set aside. For instance, rather than redesign polling places to make them more accessible or purchase more accessible voting machines to accommodate hundreds of disabled voters, a jurisdiction may instead replace inaccessible equipment that will accommodate thousands of nondisabled voters. Inadequate election funding similarly hampers innovation for technology and solutions that are secure and accessible. It means there is no funding to support grants for the development of assistive registration and voting equipment by companies, institutions, or academics. It means there is no funding or incentive for local election officials to experiment with new, more accessible ways to administer elections, even those that are low-cost.

States alone cannot be responsible for funding elections. Although state budgets earmark some money for election administration, it is never near enough. This is especially true now as many state purses are run dry by the COVID-19 pandemic. Instead, Congress must step up and provide robust and continuous funding for elections. To be sure, Congress has provided periodic funding for elections, especially in the aftermath of the 2016 election, to address election security concerns and COVID-19 complications. But these have largely been one-time buckets of funding with associated expiration dates. Moreover, the amounts have been a fraction of what experts and election officials say is actually needed.¹²² Certainly, the federal funding provided thus far has been a good starting point, but much more is needed to improve election accessibility and protect the fundamental right to vote for generations. Meaningful federal investment in voting accessibility is long overdue.

The Center for American Progress has developed a rough estimate of the total amount of funding needed to make necessary upgrades to election infrastructure, implement pro-voter solutions, and improve accessibility. This estimate covers a broad array of programs and initiatives that will make elections better for all voters. Indeed, guaranteeing full and equal voting rights for disabled voters is not limited to purchasing accessible voting machines or updating election website interfaces; it also requires implementation

of smart election practices that will strengthen democracy generally. Thus, in addition to costs associated with accessibility programs, CAP's estimate covers costs associated with adequately staffed polling places; poll worker training and recruitment; meaningful post-election audits that confirm election outcomes; voter education campaigns; vulnerability testing of election systems; improved mail-ballot printing and sorting capabilities; ballot tracking programs; public financing of elections; redistricting reforms; and resources to reduce polling place wait times, among other things.

CAP estimates that at least \$8 billion is needed for fiscal years 2022–2026 to fund important programs that will help improve election access and spur innovation around accessible voting, including:¹²³

- A new accessibility office at the Election Assistance Commission
- A national resource center on accessible voting
- Full funding for the U.S. Access Board
- Comprehensive congressional investigation into electoral barriers for disabled people
- Federal grants for studying barriers to voting for people with disabilities and developing nontechnical and technical solutions
- New Democracy Technology and Resilience Laboratory at an appropriate federal agency with disability access expertise
- Challenge.gov competitions for developing secure and accessible voting solutions for people with disabilities
- Periodic audits of NVRA compliance carried out by certain federal agencies
- Election accessibility audits carried out by state and local officials

This funding estimate is not exact, nor does it reflect costs for many supplemental policies that are needed. That said, it offers policymakers a good jumping-off point for determining necessary funding levels.

Conduct comprehensive accessibility audits on election systems with reform mandates

The first step to improving election accessibility is for policymakers to conduct full accountings of ways that existing election systems block voters with disabilities from participating. Comprehensive election accessibility audits will help policymakers and experts identify specific problems or inadequacies with registration and voting systems so that they can design effective, targeted solutions. Accessibility audits should be carried out at all levels of government, and findings from such audits must be used to form the basis for clear reform mandates with hard implementation deadlines.

Accessibility audits conducted by the federal government will undoubtedly be more high-level than those conducted by state and local entities; federal assessments will paint a broad picture of accessibility issues affecting disabled voters across the nation's patchwork election landscape. Localized audits, on the other hand, will more precisely pinpoint failings in jurisdiction-specific infrastructure and election processes. These audits are complementary to one another, and both are needed to improve accessibility for people who are disabled.

Critically, accessibility audits must not be utilized as a tool to suppress voters of colors and members of other historically underrepresented groups. Policymakers have previously misused ADA noncompliance as the basis for suppressing voters of color and voters living in low-income neighborhoods. This insidious practice was on full display in Georgia during the 2018 election cycle. There, state officials hired an outside consultant to evaluate polling places for ADA compliance. But that review was not carried out in good faith. Instead, Georgia officials used the ADA as an excuse to close polling places in majority-Black and low-income neighborhoods located in Randolph County, thereby forcing these voters to travel far distances to cast a ballot.¹²⁴ Policymakers in Georgia could have chosen to open temporary replacement sites in those communities that fully complied with ADA accessibility standards and remained convenient to all voters who lived in those areas. Instead, officials sought to close down the sites down completely, making it more difficult for both disabled and nondisabled individuals in these neighborhoods to vote, increasing the burdens placed on Black and working-class disabled voters, and effectively discounting the experiences of disabled Black voters by seeking to pit disabled voters and nondisabled voters of color against each other. Policymakers must advance policies that enhance access for all voters and not implement policies that benefit some communities at the expense of others.

Accessibility audits by states and localities

States and local jurisdictions must coordinate on audits assessing the accessibility of voter registration systems and processes; election administration procedures and worker trainings; polling place practices; voting machinery and location check-in equipment; and the availability and distribution of election-related information and materials. In Colorado, county-by-county audits are conducted after every election to review whether accessibility standards are being met.¹²⁵ In auditing these systems, state and local officials must consult with disability advocates and community activists representing voters with varying needs. Doing so is necessary to ensure accessibility audits fully capture election insufficiencies affecting voters across all disabilities. Audits could be carried out by independent commissions comprising state and local election officials as well as disability advocates and voters. Alternatively, audits could

be overseen by the state's top election official, such as the secretary of state, whose office would be responsible for coordinating auditing processes with and collecting information from local elections offices and governments. Another option is for a given state's local jurisdictions to enter into informal or formal pacts or agreements to conduct accessibility audits and share information among themselves. This may be an especially good option in states whose top election official is unmotivated to carry out an audit or who cannot be relied upon to do so fairly.

Accessibility audits should be carried out in haste so that necessary improvements can be made before the 2022 midterm election. Disabled voters must not be disadvantaged in yet another federal election. Of course, some policy changes may take longer to implement; accessible election equipment can take a long time to acquire. Still, a great deal can be accomplished over the next year and a half, and policymakers must aim to adopt as many positive changes as possible before November 2022. Audits of this kind should be conducted regularly following future elections to account for polling place changes and equipment or resource updates.

Accessibility audits by the federal government

Accessibility audits on U.S. election systems should also be carried out by the federal government. To date, federal entities have conducted only a handful of studies or assessments on election accessibility and compliance with federal voting laws protecting disabled voters. The GAO polling place study, referenced earlier in this report, provides one of the only publicly available comprehensive analyses of voting location accessibility by the federal government.¹²⁶ The federal government has not carried out a formal review of NVRA compliance by government entities or federally funded programs for many years.¹²⁷ Nonprofit organizations and academics have helped fill the information gap by conducting independent accessibility audits and reviews of election systems. These studies have been hugely valuable and should continue. However, scholars and nonprofit organizations with limited resources should not be solely responsible for collecting and sharing important data on disability voting access with lawmakers and the public.

The federal government must be more intentional in employing its vast resources to pinpoint and assess access issues for disabled voters in federal elections. To do this, Congress could commission a new GAO study that more comprehensively reviews election accessibility across a range of categories and factors, not just polling places. Another option is for Congress to investigate election accessibility on par with the investigation it conducted on Russian interference in the 2016 election. This targeted

bipartisan investigation, which took place over many months, laid the basis for a series of reports by the Senate Select Committee on Intelligence assessing Russian interference in the 2016 U.S. election.¹²⁸ Congress has occasionally held hearings on disability voting access, but this proposed approach would be much more intensive. An investigation to this scale would appropriately signify the urgency of the matter and would produce the first single, comprehensive examination of access issues across the whole system of elections and politics. In addition to investigating inaccessible polling places, voter registration systems, and in-person and mail-voting systems, the investigation would cover NVRA noncompliance, money in politics obstacles, challenges in running for office, and inaccessible political campaign websites and events. Like the congressional investigation into Russian interference, an investigation by Congress into barriers to participation for disabled voters would culminate in a series of reports that policymakers, advocates, and political campaigns could rely upon as they adopt reforms.

At the executive level, President Biden could direct the U.S. Access Board, along with agencies such as the U.S. Department of Health and Human Services (HHS) and U.S. Department of Agriculture, to investigate NVRA compliance by federally funded programs in order to help identify gaps in registration services. Additionally, like President Barack Obama's Presidential Commission on Election Administration, President Biden could assemble a bipartisan working group tasked with undertaking a full assessment of barriers for disabled voters in federal elections. This initiative would be different from past commissions in that it would focus exclusively on election administration problems for disabled voters.¹²⁹ As a general matter, disability representation and accessibility expertise must be improved across the federal government, including at agencies such as NIST and other entities with involvement in voting and election matters. The administration should provide federal agencies with clear mandates to make accessibility and the needs of disabled people a central consideration in the policymaking process. NIST's historical focus on voting system "usability" does not check the box; usability and accessibility are two separate things.¹³⁰

Adopt pro-voter policies and meaningful accessibility standards for elections

Once policymakers have identified existing problems, they can begin adopting solutions. It is pertinent for policymakers to adopt affirmative voting policies proven to help disabled voters and nondisabled voters alike participate in elections. Priority should be given to extended early-voting periods and polling place hours, along with same-day voter registration. These policies "can be highly beneficial for voters who have inflexible schedules because they rely on personal care attendants, paratransit,

and other factors that are out of their control to get around.”¹³¹ Flexible vote-by-mail policies enabling any American to cast a mail ballot regardless of excuse should also be prioritized, as should online voter registration systems. As outlined in previous sections, mail voting is preferred by disabled voters, and online registration enables disabled voters to register at home safely. It is essential for policymakers to ensure both systems are fully accessible. This means reconfiguring election webpages and forms for compatibility with assistive aids. Election webpages must be outfitted with clear, straightforward language and explanatory graphics to ensure access for registrants and voters across all disabilities. Maryland has offered disabled voters an online tool for filling out mail ballots independently since 2014 and is reportedly willing to share its technology for free with other states.¹³² In 2020, several states—such as Maine, New Hampshire, New York, Pennsylvania, and Virginia—enhanced accessibility for mail-voting systems in response to litigation brought by disability advocates.¹³³ In Virginia, officials offered blind and low-vision people the option to receive a mail ballot electronically with screen reader-compatible technology.¹³⁴

Before adopting any one pro-voter policy, policymakers must carefully consider potential impacts on disabled voters. While most pro-voter solutions benefit disabled and nondisabled people equally, some do not. For example, Election Day holidays and AVR programs operating solely out of DMVs are well intentioned but can have unintended consequences for voters with certain disabilities. Election Day holidays can make voting hard for those relying on home health aides who take the day off. Past sections of this report discussed how disabled people are less likely to frequent DMVs compared with nondisabled voters, which risks them being shut out from AVR programs limited solely to those agencies. Exclusive reliance on paper ballots is another example. From an election security standpoint, hand-marked mail ballots are the safest, most reliable, and hackproof voting method. They enable jurisdictions to carry out robust, dependable post-election audits to confirm the accuracy of election outcomes. But paper ballots are not accessible to many disabled people and, as such, cannot be the sole voting option. Policymakers had security in mind when they moved to all-paper elections, but in doing so, they overlooked consequences for voters who cannot mark or handle a paper ballot.

To be sure, all these policies are good and necessary. They simply require a bit of fine-tuning to be accessible. For instance, rather than turn Election Day into a holiday, employers should be mandated to provide workers with extremely flexible paid time off, including during early voting and on Election Day. This achieves the same goal as Election Day holidays—ensuring people have ample opportunity to vote—without disadvantaging disabled voters who require assistance.¹³⁵ Additionally, AVR programs currently restricted to DMVs should be expanded to include education and health care

agencies that more frequently serve disabled people. Technology improvements are still needed to make returning voted ballots electronically safe. In the meantime, policymakers should invest in mobile vote vehicles that travel to disabled voters' homes and provide them with accessible technology needed to cast ballots secretly and independently. In-person paper-based voting systems must be coupled with widely and readily available assistive technology, such as ballot marking devices, that poll workers are fully trained on how to use.

Additional pro-voter policies that must be adopted to close participation gaps between disabled and nondisabled voters include:

- All poll workers must be educated on how to respectfully interact with disabled voters and must receive comprehensive training on use and functionalities of accessible election equipment.¹³⁶ Jurisdictions should hire poll workers who are disabled. All workers must receive cultural competency training and be fully trained on disabled voters' voting rights.
- Voting locations must be situated near public transportation and must be set in ADA-accessible buildings with pickup and drop-off areas that comply with requirements outlined in the ADA checklist.¹³⁷
- Ballot drop boxes where voters can return mail ballots must be plentiful, designed for ADA compliance, and conveniently located across communities with accessible paths of travel to ensure equal access.
- Voting locations must offer flexible and convenient curbside voting options for disabled voters. Voters utilizing this option must be able to notify poll workers that they have arrived without reliance on cellular phones or having someone accompany them to the voting location. Curbside voting areas must be monitored by election staff throughout voting hours to ensure limited wait times. Having staff monitor the area can also help reduce potential harassment from electioneers.
- States and localities should designate a chief voting accessibility officer tasked with assisting policymakers as they adopt and implement pro-voter policies in ways that guarantee equal voting access for all people with disabilities.
- Officials must provide plain language formatting and American Sign Language translations for all literature around voter rights and responsibilities.¹³⁸

Rescind anti-voting rules and reform guardianship laws

In addition to adopting pro-voter policies, policymakers must rescind harmful anti-voting rules. Indeed, affirmative voting policies do not help disabled voters if felon disenfranchisement policies and guardianship laws block them from participating in the first place. Similarly, strict voter ID laws, restrictions on mail voting, and harsh signature matching or ballot collection rules prevent people with disabilities from fully utilizing policies such as vote by mail and early voting that can help shrink participation gaps between disabled and nondisabled voters. Equal voting access will not be achieved unless and until these restrictive and discriminatory practices are overturned. Strict voter ID laws should be eliminated entirely, and justice-involved individuals must have their voting rights restored immediately upon release from detention. Signature matching processes require substantial improvements. Ideally, signature matching processes would be altogether eliminated and replaced with more equitable and nondiscriminatory methods of verifying voter identity. Unfortunately, political realities prevent this from happening anytime soon; signature matching is here to stay, at least for the time being. In reviewing voter signatures, there should always be a strong presumption of validity; before being rejected, the signature should, preferably, be reviewed by at least three people, including at least one person of a different political party than the party of the voter.¹³⁹ All three reviewers must independently conclude that the signature is invalid before a ballot is rejected. Jurisdictions nationwide must accept signature marks or stamps that are sometimes relied upon by disabled voters, and officials must rigorously train election staff not to reject ballots on which these marks are used.

The rising tide of anti-voting efforts being witnessed across the country is deeply worrisome for all Americans but is especially so for disabled voters who will be among those excessively burdened. More than 360 anti-voting bills have been introduced in states, many of which would place substantial restrictions on vote by mail, early voting, and registration access.¹⁴⁰ All voters will be required to jump through a multitude of hoops to make their voices heard, but disabled voters, who more often rely on flexible voting and registration options, will be unfairly disadvantaged. It is imperative that these anti-voting efforts be culled or overridden by federal legislation.

In reforming guardianship laws, policymakers should rely on the ABA's recommended standard.¹⁴¹ Specifically, the right to vote must be retained for someone under guardianship unless a court decides that all the following criteria are met:

- The exclusion of voting rights is based on a determination by a court of competent jurisdiction.
- Appropriate due process protections have been afforded to the person under guardianship.
- The court finds that the person under guardianship cannot communicate, with or without accommodations, a specific desire to participate in the voting process.
- The above findings are established by clear and convincing evidence.

The right to vote is fundamental, and depriving someone of it should be exceedingly difficult. The ABA’s standard was incorporated into the Uniform Law Commission’s Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act in 2017 and is increasingly featured in state guardianship reform legislation.¹⁴²

Develop safe and accessible election technology

Advancements in election technology are needed to promote voting access for disabled voters and to ensure they can cast a secret, independent ballot. As described in previous sections, disabled voters currently have limited options for registering, requesting ballots, and obtaining important election information in ways that are fully accessible. At present, there is a lack of technology that would enable disabled people to vote and return voted ballots electronically safely and securely. Ballot marking devices such as ExpressVote offer disabled voters good options at in-person voting locations, but ingenuity is lacking.¹⁴⁴ Well-intentioned attempts by local officials to develop new accessible voting technology have failed to garner support from security experts or have been unsuccessful due to logistical complications or funding constraints.¹⁴⁵ Some private companies have attempted to fill accessible technology gaps with mobile voting apps and other products designed to help disabled people participate in elections. But some of these technologies have suffered problems, and there are serious questions surrounding the role private corporations should play in outfitting U.S. elections. Today’s corporate election system vendors are often criticized for their lack of transparency and oversight; in 2018, one election system vendor was found to have ties with a Russian oligarch.¹⁴⁶

Voting accessibility is required by law, and governments must take responsibility for ensuring that right is fully realized by investing in the development of secure and accessible voting technology. The federal government has an especially critical role to play given the vast resources at its disposal. In addition to funding pilot programs for secure voting methods that enable disabled voters to register and vote from home privately and independently, it should consider creating a new entity tasked with developing technologies to improve participation for disabled and nondisabled Americans alike and

“If I can in some way indicate that I have a desire to vote—that is the base standard that should be applied. . . . It should be the same standard as everyone else.”

– Michelle Bishop, voting access and engagement manager for the National Disability Rights Network¹⁴³

to protect democratic institutions more generally. President Biden recently proposed a new agency modeled off the U.S. military’s Defense Advanced Research Projects Agency to spur health care innovations and propel vaccine and treatment development into hyperdrive.¹⁴⁷ Innovations to protect U.S. democracy and the fundamental right to vote equally deserve this level of urgency.

Such an agency or department—let’s call it the Democracy Technology and Resilience Laboratory—could be housed at any number of federal agencies but would ideally be situated in agencies with accessibility expertise, such as the U.S. Access Board or HHS. The EAC, which is working to expand its institutional accessibility expertise and already helps develop the Voluntary Voting System Guidelines (VVSG) for election-related technology, could also be a good fit for the new laboratory.¹⁴⁸ Alternatively, the lab could be housed within NIST or the National Science Foundation (NSF), which already have some of the built-in infrastructure. NIST, like the EAC, helps develop the VVSG and has recently requested public comments “about barriers to private and independent voting for people with disabilities,”¹⁴⁹ while President Biden has proposed a new technology directorate for the NSF.¹⁵⁰ Disability rights advocates have voiced concern over a lack of disability and accessibility expertise at both NIST and NSF; the two agencies will need to substantially improve staffing expertise in these areas before they can house a laboratory of this kind.

All responsibilities currently residing with NIST’s Information Technology Laboratory pertaining to accessible voting technology and evaluations of accredited voting-equipment testing institutions could be transferred over to this new lab.¹⁵¹ Additionally, the Democracy Technology and Resilience Lab would develop secure and accessible election equipment as well as rights-respecting sociotechnical technology standards for emerging election-related innovations. This entity should work in close consultation with the U.S. Access Board and could be tasked with developing formulas that lawmakers and election officials can rely upon for determining how many accessible voting machines are needed at each polling place. Developing a free accessible machine calculator based on population size, voters’ needs, and past voting patterns would greatly assist jurisdictions in determining their procurement needs and protecting voting access within their communities. Jurisdictions should be legally required to adhere to the formula, and HAVA’s one-machine-per-polling-place rule should be amended to read “each polling place shall have a sufficient number of accessible voting machines determined by the formula, but not less than one.”¹⁵²

Importantly, any government entity responsible for developing election technology and setting election technology standards must be subject to oversight by an independent authority and be staffed by people with civil rights backgrounds covering accessibility, privacy, cybersecurity, racial and gender equity, and LGBTQ rights, among other things. Disability advocates must be employed by the lab and must be consulted on all matters pertaining to technology development and voting solutions.

There are other ways the federal government can drive innovation around accessible voting solutions and technology. Federal agencies—such as HHS, NSF, NIST, EAC, and the U.S. Access Board—can initiate a series of new Challenge.gov prize competitions for developing and studying accessible voting technology and programs to drive participation among the disability community.¹⁵³ The America COMPETES Reauthorization Act of 2010 allows any federal agency head to carry out prize competitions with the potential to spur innovation. As of 2020, more than 1,000 prize competitions have been carried out by federal agencies; in fiscal year 2018, total prize money awarded through federal competitions exceeded \$37 million, with a median prize amount of \$80,000.¹⁵⁴ Federal challenge competitions have “produced concepts for the next ‘lunar loo’ (space toilet), an improved digital wallet user interface, protecting fish from water infrastructure, opioid detection in international mail, and ‘getting out the count’ for the census” as well as for self-driving cars.¹⁵⁵ Prizes can be monetary and/or nonmonetary in nature. Besides money, the winner could be formally recognized by President Biden or Vice President Kamala Harris as part of an official ceremony honoring other democracy heroes.¹⁵⁶

Future winners of these prize competitions could be in the running for the National Medal of Technology and Innovation or the National Medal of Science.¹⁵⁷ The National Medal of Technology and Innovation is administered by the U.S. Department of Commerce’s Patent and Trademark Office and awarded to “those who have made lasting contributions to America’s competitiveness, standard of living, and quality of life through technological innovation, as well as those who have made substantial contributions to strengthening the Nation’s technological workforce.”¹⁵⁸ The National Medal of Science is administered by the NSF and awarded “to individuals deserving of special recognition by reason of their outstanding cumulative contributions to knowledge in the physical, biological, mathematical, engineering, or behavioral or social sciences, in service to the Nation.”¹⁵⁹ Nominees for these awards are submitted to the president for consideration by committees comprising leading experts in engineering, computer science, mathematics, and social sciences, among other topics. Surely, solving technological tensions between security and accessibility and expanding access to voting for disabled voters is worthy of such esteemed honors.

Crowdsource low- and no-cost accessible voting solutions

High-tech solutions for improving election accessibility and keeping elections secure are necessary. But developing them will take time and could even be cost-prohibitive if Congress fails to provide continuous election funding. Considering these realities, election officials and voting advocates must work together to develop low- and no-cost solutions for making processes for registering to vote and casting ballots fully accessible. Over the years, local election officials have come up with cost-effective, straightforward fixes to address accessibility challenges. For example, in 2020, election officials in Iowa created an accessibility Quick Check guide for polling places statewide that doubled as a measuring tool for ensuring polling place doorways and internal and external spaces meet ADA accessibility standards.¹⁶⁰ It was a simple but highly effective solution that required only those materials that every polling place already had on hand. It is this kind of cost-smart ingenuity that must be promoted in the immediate and near future. Jurisdictions should improve communication across state lines to crowdsource their low- and no-cost ideas since the accessibility challenges found in one jurisdiction can often also be found elsewhere. Thus, while jurisdictions and Congress must invest in new safe and accessible technology, obstacles in accessibility can also be addressed by simply being more creative and innovative with resources already on hand.

Enhance enforcement of federal voting laws

Finally, the U.S. Department of Justice (DOJ) must prioritize enforcement of federal laws protecting disabled Americans' voting rights. The DOJ's Civil Rights Division was severely underutilized and its mission subverted during the Trump administration.¹⁶¹ Voting rights violations against disabled and nondisabled voters were not prioritized.¹⁶² Federal mandates requiring election accessibility under the ADA, HAVA, NVRA, and other statutes cannot protect disabled voters if they are not enforced. The DOJ bears responsibility for ensuring jurisdictions operate in full adherence to federal law. Federal enforcement proceedings or even threats of legal action for violations of federal voting laws are powerful tools for improving compliance.¹⁶³ Past enforcement actions by the DOJ have resulted in expanded voter registration opportunities at state disability services offices, improved polling place accessibility and poll worker training, and enhanced access to accessible voting equipment at voting locations.¹⁶⁴ President Biden has already demonstrated a strong commitment to protecting the fundamental right to vote and has nominated seasoned and dedicated

civil rights lawyers to top positions at the DOJ and to spearhead the agency's Civil Rights Division.¹⁶⁵ There is every reason to believe that this new DOJ will be fully committed to enforcing federal voting laws and protecting disabled voters' right to vote. But after decades of having their rights overlooked, many disabled voters may remain skeptical of the government's commitment to enforcing federal access requirements. The DOJ must prove itself to be a trustworthy ally in the fight for full and equal voting access, and it can accomplish this by aggressively enforcing federal voting and accessibility standards.

Conclusion

Although research shows that voting access for disabled voters is improving, there is still much work to be done. Making U.S. elections more accessible will require hard work on the part of lawmakers and election officials as well as significant input from affected voters and community advocates. Policymakers will need to make difficult decisions that weigh myriad goals and interests, such as accessibility and security, privacy, and independence. Ensuring that disabled voters have full and equal access to the ballot box is not optional—it is a federal mandate that must be realized. Policymakers have numerous tools available to improve election systems and make them more accessible, and they must employ them now with all urgency before the next major election.

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The Center for American Progress is an independent, nonpartisan policy institute that is dedicated to improving the lives of all Americans, through bold, progressive ideas, as well as strong leadership and concerted action. Our aim is not just to change the conversation, but to change the country.

Our Values

As progressives, we believe America should be a land of boundless opportunity, where people can climb the ladder of economic mobility. We believe we owe it to future generations to protect the planet and promote peace and shared global prosperity.

And we believe an effective government can earn the trust of the American people, champion the common good over narrow self-interest, and harness the strength of our diversity.

Our Approach

We develop new policy ideas, challenge the media to cover the issues that truly matter, and shape the national debate. With policy teams in major issue areas, American Progress can think creatively at the cross-section of traditional boundaries to develop ideas for policymakers that lead to real change. By employing an extensive communications and outreach effort that we adapt to a rapidly changing media landscape, we move our ideas aggressively in the national policy debate.

