



# DISABILITY LAW CENTER

3330 Arctic Boulevard, Suite 103  
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[www.dlcak.org](http://www.dlcak.org)

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## **VIA ELECTRONIC SUBMISSION**

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 Disability Law Center of Alaska 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.

The Disability Law Center of Alaska is a Protection and Advocacy agency that receives federal Protection and Advocacy for Voter Access (PAVA) funding. This funding is used for projects that aim to educate voters with disabilities and increase their ability to participate in elections and the political process.

In the past, DLCAK has reached out to candidates and provided them with information about how to run an accessible campaign. DLCAK has also done extensive research on a variety of voting topics, including voting rights for justice-involved persons, "unsound mind" voting restrictions, and travel to polling places. PAVA advocates at DLCAK have also undertaken poll monitoring and surveying projects, and held a number of voter registration events. In the past, DLCAK has reached out to candidates and provided them with information about how to run an accessible campaign. DLCAK has also done extensive research on a variety of voting topics, including voting rights for justice-involved persons, "unsound mind" voting restrictions, and travel to polling places. PAVA advocates at DLCAK have also undertaken poll monitoring and surveying projects, and held a number of voter registration events.

### **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



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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.

There has been a large amount of anti-voting legislation proposed across the country this year. Many of these bills have targeted mail-in voting, which became more prevalent during the COVID-19 pandemic. While mail-in voting is not the most accessible voting method for all people with disabilities, eliminating any voting method will ultimately serve to reduce the accessibility of elections. The more options voters have for completing their ballots, the more accessible our elections will be.

Returning a mail or absentee ballot is a barrier to voting for some people with disabilities. In the past, DLCAK has collected ballots from an institution and transported them to a polling place. We have discussed repeating and expanding this program to other institutions and ALHs, while keeping an eye on local and state legislation regarding the legality of this project.

## **Voting Access for People with Disabilities in America**

Despite the voting barriers that exist in America today, people with disabilities cannot and will not be scared off from the ballot box. As the U.S. continues to strive for full realization of equal access, disability advocates applaud the systems and practices that already exist to enable voters with disabilities to mark, verify, and cast their vote privately and independently.

Poll worker training is exceedingly important in ensuring that people with disabilities have equal access to voting. When poll workers are not aware of the rights people with disabilities have, or how to work with accessible voting equipment or assistive technology, the voting process will be much more difficult and inequitable for people with disabilities. This can lead to situations in which people with disabilities are not afforded the private and independent vote guarantee to all Americans by law. More effort should be made to train poll workers on how to ensure that polling places and in person voting is accessible for all people.



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Increasing the prevalence of mail-in and early voting has also increased the accessibility of voting for people with disabilities. Efforts to expand the number of ways in which people can cast their ballots will increase the accessibility of elections for people with disabilities, and for the electorate as a whole. When there are many voting methods available, people are able to choose the one that works best for them and is most compatible with any assistive technology they may use.

## **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.

- *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.*
- *Promote campaigns to educate voters with disabilities about their right to a private and independent vote and what options are available to them.*
- *Invest in training of election officials and poll workers to ensure they are advocating for and protecting the rights of voters with disabilities.*
- *Increase the number of accessible voting systems/equipment at polling places.*
- *Increase the accessibility of current vote by mail systems, including allowing all voters to vote by mail and offering electronic remote balloting.*
- *Increase options for voters, including online, automatic, and/or same day voter registration, early voting, curbside voting, and ballot drop boxes.*
- *Establish an Office of Accessibility within the Election Assistance Commission to support and oversee state efforts to expand voter accessibility and serve as a resource for advocates and voters.*
- *Create a national resource center on accessible voting to conduct cultural*



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*competency trainings for election officials and poll workers to create truly accessible voting systems.*

- *Strengthen protections of the rights of rural voters and work to ensure that there are polling places within a reasonable distance of rural communities, thus increasing the accessibility of voting for rural voters with disabilities*
- *Work to repeal anti-voting legislation that targets or disproportionately impacts BIPOC voters - it is crucial to acknowledge the intersection of disability and race and how it can lead to overlapping forms of discrimination for voters*

## **Conclusion**

The Disability Law Center of Alaska 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 Abigail Gurgiolo at [agurgiolo@dlcak.org](mailto:agurgiolo@dlcak.org) or (907) 771-8814.

Sincerely,

Abigail Gurgiolo  
Legal Rights Advocate