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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

Disability Rights Florida 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.

Disability Rights Florida was founded in 1977 as the state's designated Protection and Advocacy (P&A) system for individuals with disabilities in the State of Florida. The P&A system exists to ensure the safety, wellbeing, and success of people with disabilities. Disability Rights Florida (DRF) is a federally mandated Protection & Advocacy (P&A) organization, which means we are authorized and funded by several government agencies to protect the rights of persons with disabilities. Those agencies include the Administration for Community Living, Substance Abuse and Mental Health Services Administration, Rehabilitation Services Administration, Health Resources and Services Administration, and Social Security Administration.

Disability Rights Florida's Protection and Advocacy for Voter Access (PAVA) program was authorized in the Help America Vote Act of 2002 and is administered by the Administration on Developmental Disabilities of the Administration for Community Living, U.S. Department of Health and Human Services. Through our PAVA program we seek to secure election access for a wide range of individuals with disabilities – including, but not limited to, individuals with mental, sensory, and physical disabilities – pursuant to Congress' broad mandate to "ensure the full participation in the electoral process for individuals with disabilities, including registering to vote, casting a vote and accessing polling places"

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.

The United States Government Accountability Office (GAO) has studied polling place accessibility for 20 years. During an initial 2000 survey, the GAO found that only 16 percent of the polling places surveyed had an accessible path of travel, defined as from parking to the voting station. In 2008 27 percent of polling places had an accessible path of travel, and 40 percent in 2016, the all-time high. This means that less than half of America's polling places were architecturally accessible during the 2016 election. Independent state agency surveys also outline inaccessible polling places

In 2018, Disability Rights Florida surveyed polling places in the state and found that many of those polling places violated either the ADA and/or HAVA. Some of the violations included inaccessible parking, walkways, and entrances, as well as a lack of ramps. It was also discovered that polling places lacked accessible voting machines, accessible voting machines did not work, or poll workers were not properly trained on setting them up.

Physical barriers are not the only access barriers that exist for voters with disabilities and these barriers exist throughout the entire voting process. In Florida, the accessibility of local Supervisor of Election's websites varies widely. The lack of accessible websites means that voters who use screen readers to access digital information may lack access to the information they need to know how and when they can vote, and they may not be able to complete digital forms including vote-by-mail ballot applications.

Jurisdictions need to consider the distance required for voters to get to the polls when selecting polling places as well as the distance to public transportation. Many within the disability community do not drive and distant polling locations or a lack of public transportation options can block access to the ballot box. While mail-in voting is rising in popularity and commonly offered as a solution to remote or inaccessible polling places, traditional mail voting is also inaccessible for many voters with disabilities. People who are blind or low vision, have print disabilities, limited literacy, limited manual dexterity, and other disabilities cannot privately and independently mark, verify, and cast a hand-marked paper ballot.

Voters with disabilities have a legal right to equal access to all voting options offered to every other voter. Unless all voters are expected to mail in a ballot, election officials cannot require one subset of voters to do so. Rather, jurisdictions must strive for equal access at and to the polls.

While Florida does have a process in place for election officials to facilitate voting in some long-term care facilities, this process is optional and only applies to nursing homes and assisted living facilities. Other congregate settings in which people with disabilities reside, such as jails, psychiatric hospitals, rehabilitation centers, group homes, and intermediate care facilities are not currently eligible for supervised facility voting under Florida statute.

Voters with disabilities are disproportionately affected by signature matching requirements. The signatures of voters who are blind or low vision, have disabilities affecting dexterity, learning disabilities, traumatic brain injuries, and other print disabilities, might look different

every time they sign their name. Facilitating the provision of stamped ballots with paid postage to voters would further reduce barriers to the vote for disabled and nondisabled voters.

While the public conversation has shown a spotlight on Britney Spears' conservatorship, guardianship is a common, though under-researched, arrangement placed on people with disabilities that restricts their autonomy, from their decisions about what they eat, to whether they can vote. In Florida, restoring or retaining the right to vote depends on a judge deciding that a person communicates the desire to vote, an arbitrary guideline not placed on any other voters. We recommend additional research into guardianship and its impacts on the voting rights of people with disabilities. Ultimately guardianship or disability should never be reasons for disenfranchisement.

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.

Florida offers many options for voters to cast their ballots including early voting, vote-by-mail, drop boxes, in-person voting on Election Day, and accessible ballot marking devices at early voting and Election Day polling locations. During the 2022 elections all 67 Supervisors of Election will offer accessible vote-by-mail for the first time. These practices have helped to narrow the disability voting gap for Florida 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.

Disability Rights Florida recommends the following to expand access to voters with disabilities:

- *Prioritize disability rights at the forefront to ensure policies and systems enable voters with disabilities to vote privately and independently 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 competency trainings for election officials and poll workers to create truly accessible voting systems.*

Conclusion

Disability Rights Florida 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 Olivia Babis, Senior Public Policy Analyst, via email at oliviab@disabilityrightsflorida.org or via telephone at (850) 488-9071 ext. 9718.

Sincerely,

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