



July 13, 2021

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 Mississippi 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.

Since 1982, Disability Rights ("DRMS") has served as the federally mandated protection and advocacy ("P&A") agency for the state of Mississippi. The P&A system is a national network of disability rights agencies tasked with investigating and monitoring abuse and neglect as well as providing legal representation and advocacy services to people with disabilities. To fulfill these duties, P&A agencies are given extensive and unique access to

- Investigate incidents of abuse and neglect;
- Provide information, referrals, and training about the rights of people with disabilities and about DRMS services;
- Monitor service provider and program compliance with respect to the rights and safety of residents; and
- Pursue administrative, legal and other appropriate remedies to ensure the protection of the rights of individuals with disabilities.

In addition to activities under the Help America Vote Act ("HAVA"), P&A agencies devote considerable resources to ensure people with disabilities have full access to inclusive and accessible voting opportunities and polling locations. Since the inception of the HAVA funded Protection and Advocacy for Voting Access ("PAVA") program, P&A agencies such as DRMS have conducted polling place accessibility surveys, trained people with disabilities on their voting rights; and educated election officials and poll workers to make the polls more accessible to voters with disabilities.

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.

DRMS conducted routine polling place surveys in various counties across Mississippi during the General Election that took place in November of 2020. DRMS advocates were assigned to assess the polling locations during the ongoing voting process. To our dismay, we found egregious violations of the Americans with Disabilities Act which provides significant obstacles to Mississippians with disabilities who intended to exercise their right to vote at various Mississippi polling locations.

For example, at one polling location in Grace, Mississippi, DRMS advocates found a myriad of accessibility issues: from parking to landscape to doors, ramps, spaces that violate the standards set forth by the Americans with Disabilities Act (ADA). Beyond ADA violations, advocates noted that navigating the polling site could be treacherous—even impossible—for a person with a disability to navigate the site.

Further, DRMS understands that there should be alternatives at polling sites for those individuals that cannot get out of their vehicle. We monitor for poll workers available outside of polling locations to identify this need when it is presented. Unfortunately, we have found that approximately 85% of polling locations do not have an individual present to identify when someone needs to utilize this method.

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.

With the data gathered from DRMS' polling site monitoring, our agency has delivered complaint letters to county election commissioners, as well as the Secretary of State of Mississippi. We intend to pursue all available and necessary remedies to ensure

Mississippians with disabilities can fully exercise their right to vote privately, independently, and without barriers.

In order to encourage a robust participation in the electoral process for individuals with disabilities, DRMS has engaged in a variety of outreach and training activities to educate individuals on their voting rights. In fall 2020, DRMS collaborated with transition programs at high schools around the state to provide educational materials for students with disabilities who may be eligible to vote for the first time. Often, misinformation or lack of access to information can be the first barrier in limiting a person with a disabilities from being able to exercise their right to vote; it is DRMS' belief that reaching young individuals with disabilities within their support systems and trusted environments could be a positive tool.

Recommendations to Improve Voting Access for People with Disabilities in America

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

RECOMMENDATIONS TO PROMOTE ACCESS TO VOTERS WITH DISABILITIES

- *Prioritize disability rights at the forefront to ensure policies and systems enable voters with disabilities to vote privately and interpedently and include people with disabilities in decision making processes.*
- *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 Mississippi 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 **Jane Walton** at **jwalton@drms.ms** or **601-968-0600 etc. 234.**

Sincerely,

A handwritten signature in black ink, appearing to read "Jane Walton". The signature is fluid and cursive, with the first name "Jane" written in a larger, more prominent script than the last name "Walton".

Jane Walton
Communications Director
Disability Rights Mississippi