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VIA Electronic Submission

National Institute of Standards and Technology (NIST)
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Request for Information on Promoting Access to Voting

1. Describe concerns regarding accessing the right to vote privately and independently for people with disabilities.

Enshrined in Help America Vote Act (HAVA) is the right for voters to mark, cast, and verify their ballots privately and independently. People with disabilities encounter both technical and procedural concerns regarding their right to vote privately and independently. While privacy and independence concerns differ during the in-person voting and voting by mail, one commonality is the inaccessibility of paper. The paper portions of the voting process e.g., registering to vote, requesting a mail ballot, or marking an in-person or mail ballot may require the help of a voting assistant. The inaccessibility of paper is a cross-disability concern; providing large print or braille versions of a paper form does not make the process accessible to voters with motor coordination and other disabilities.

Communication barriers are a pervasive problem that compromise privacy and independence. Concerns first arise during the in-person check-in process. Low vision, hard of hearing, nonverbal, and voters with intellectual/ developmental disabilities may need assistance verifying their identification information and receiving voting instructions. After checking-in a voter has the right to choose an accessible electronic voting system.

Accessible voting systems were designed to provide a private and independent voting experience. States use a combination of accessible and non- accessible voting equipment. States utilize ballot marking devices (BMDs), direct electronic records (DREs) with Voter-verified paper audit trail (VVPAT) and non VVPAT. Accessible voting systems allow voters to mark their ballots privately and independently, but certain systems may require a voter to seek assistance verifying and casting their ballots. Availability and familiarity with electronic accessible systems is a barrier but will be addressed thoroughly in later section of the RFI.

2. Describe effective strategies, techniques, and technologies for addressing the barriers faced by voters with disabilities throughout the voting process.

One of the most effective strategies for addressing the barriers faced by voter with disabilities throughout the voting process is inclusivity. Inclusivity means hiring disabled poll workers and integrating accessible voting machines into the voting process. Hiring people with disabilities to test the accessibility of the entire voting process from registration through voting can directly address the barriers faced by voters with disabilities. Training poll workers on disability etiquette, relevant Americans with Disabilities Act (ADA) requirements and the accessible voting systems that are deployed in their polling place is an effective technique to address barriers on election day. Accessible websites, voting machines, and alternative voting methods are technologies that used in conjunction can address the barriers faced by voters with disabilities.

3. Describe barriers that people with disabilities encounter in getting useful information about the <u>voting process</u>.

The barriers that people with disabilities encounter getting useful information about the voting process can generally be divided into two categories based on sensory and non-sensory disabilities. One major consideration is the type of information and the medium that is used to delivering the information. Standalone audio or visual information can be a barrier. Videos should include either transcripts or captioning[i]. Hotlines or other informational phone numbers that do not have relay or ASL services are inaccessible. Graphics or imagines without alt-text can be inaccessible to low vision voters. Websites that are not screen reader accessible create a limitation on getting useful information. Complex words and phrases that are used in any format may be a barrier to individuals with intellectual or other disabilities.

4. Describe barriers that people with disabilities encounter with ballots, and in getting useful information about <u>the items on the ballot</u>.

Voters face a variety of barriers when attempting to access useful information about items on the ballot. For voters that are low vision the size of the font on the ballot may prevent them from accessing useful information. Readability is a barrier for multiple disabilities including intellectual and developmental disabilities. Readability refers to the difficulty of the text based on number of syllables, words, and sentences in a text. According to a study by Shauna Reilly and Sean Richey more voters skipped voting on ballot measure when the titles and summaries were harder to read.[ii] The Plain Writing Act of 2010 requires federal agencies to communicate in a way that can be understood and used by the public. Guidelines for readability suggest aiming for an eight-grade reading level, and according to a Reilly and Riche study in 2018 ballot questions required an average of between 19 to 20 years of formal education to read and comprehend. Having the readability level that require twice the recommended amount of education creates a barrier to voters with and without disabilities.

5. Provide recommendations for improving voter access for people with disabilities.

The first step of the process to improve voter access is to reduce the initial barrier, voter registration. Ensuring that all NVRA designated agencies have a completely accessible voter registration process and are complying with the mandate could improve access. Automatic voter registration is another tool that could decrease the gap in voter registration rate but there is no one size fits all solution. Polling locations should be located in physically accessible building with accessible signage that can be reached by public transportation where practicable. Mail ballots should have accessible application process and the option of electronic ballot delivery. Providing alternative methods to voting and voter registration including curbside voting and vote by mail that meet voters where they are is the best method for improving voter access.

6. Identify what has had the most impact enabling people with disabilities to vote privately and independently.

The Help America Vote Act (HAVA) and subsequent funding[iii] have had the largest impact on enabling people with disabilities to vote privately and independently. HAVA created the mandate but without funding for pilot programs and accessible voting machine procurement the goal would have been realized.

7. Identify gaps that remain in making voting accessible to people with disabilities.

There are internal and external barriers in the voting process that cause barriers making voting inaccessible to people with disabilities. External factors include economic participation which impacts transportation, internet access, and voting attitudes. People with disabilities also cited transportation as a reason for not voting twice the rate of voters without disabilities.[iv] The internal gaps exist at every step of the process. There is still a gap in voter registration rates and methods between disabled and nondisabled voters. People with disabilities were more likely to cite permanent illness or disability as their reason for not being registered, suggesting that there are still accessibility barriers in the voter registration process. Similarly, approximately one-third of voters with disabilities that were registered to vote but did not cited illness or disability as the reason for not voting. Accessible signage and communication prior to voting and in polling places is a gap that creates accessibility problems. The underutilization of accessible voting machines has led to segregated voting experiences exacerbating accessibility gaps.

8. Describe barriers that people with disabilities encounter with completing online forms for the voting process.

The first barrier is accessing the internet what is commonly referred to as the digital divide. According to a study by Pew Research Center almost a quarter (23%) of disabled Americans remote that they never go online.[v] Voting aged people with disabilities are also less likely to have high-speed internet at home, a smartphone, a desktop or laptop computer and a tablet. Access to the internet and the devices capable of completing online forms is a significant barrier. Once online people with disabilities are likely to encounter online forms that have some level of digital inaccessibility.[vi] The barriers could include websites that are not built for screen reading

technology, or require the use of a keyboard or mouse, graphics without alt-text, and complex language.

9. Describe barriers that people with disabilities encounter in getting useful information about their eligibility to vote.

People with disabilities may encounter inaccessible elections websites that are not navigable or readable using assistive technology. Local election offices may not be equipped to provide ASL or other interpreting services that a voter may need to access information related to their eligibility to vote. Information about eligibility status may include technical or complex language that is not easy to understand.

10. Describe barriers that people with disabilities encounter with registering to vote.

In some circumstances people with psychiatric disabilities or those under guardianship are prohibiting from registering vote. Inaccessible voter registration websites and NVRA designated agencies that do not provide voter registration opportunities could be a barrier to voter registration. According to the EAC commissioned Factsheet produced in conjunction with an EAC and Rutgers University study, Disability and Voter Turnout in the 2020 Election, voters with disabilities were almost half as likely to register online as voters without disabilities. People with disabilities cited permanent illness or disability as their reason for not being registered.[vii] Inaccessibility throughout the voter registration process is likely the reason for a lower voter registration rate. Stigma, perception, and bias also play a role in creating barriers to voter registration.

11. Describe barriers that people with disabilities encounter using technology for the registration or voting process, whether online, in person, or via mail.

As previously discussed, access to the internet and devices that can access the internet is the primary barrier to utilizing technology. If the process is not fully electronic paper can be a barrier. People with disabilities may have difficulty interpreting or manipulation of paper documents and envelopes. Devices provided by the state that are not adapted to use assistive technology that a voter provides or is familiar with can be an accessibility barrier.

12. Describe the availability of accessible voting equipment.

The availability and type of accessible equipment varies by state. HAVA requires a minimum of one accessible voting machine per polling place. Deploying more accessible voting machines can lead to increased familiarity and decreased likelihood of a segregated voting process. Below is latest publicly available data, the 2018 EAVS Comprehensive report;

State	Total Number of Voting Machines Deployed	DRE without VVPAT		DRE with VVPAT		Ballot Marking Devices	
		Total	Pct.	Total	Pct.	Total	Pct.
Alabama	4,966	0	0.00	0	0.00	2,153	43.35
Alaska	774	0	0.00	447	57.75	0	0.00
American Samoa [1]	0	0	-	0	-	0	-
Arizona	1,966	0	0.00	799	40.64	546	27.77
Arkansas	3,897	124	3.18	633	16.24	2,535	65.05
California	20,793	308	1.48	16,124	77.55	1,490	7.17
Colorado	1,555	0	0.00	36	2.32	1,327	85.34
Connecticut	1,488	0	0.00	0	0.00	744	50.00
Delaware	1,382	1,378	99.71	0	0.00	0	0.00
District of Columbia	603	0	0.00	0	0.00	428	70.98
Florida	13,851	1,101	7.95	62	0.45	3,829	27.64
Georgia	28,028	27,324	97.49	0	0.00	0	0.00
Guam	4	0	0.00	0	0.00	1	25.00
Hawaii	674	0	0.00	353	52.37	0	0.00
Idaho	1,564	0	0.00	74	4.73	782	50.00
Illinois	21,386	0	0.00	10,843	50.70	2,613	12.22
Indiana	8,252	5,864	71.06	0	0.00	1,070	12.97
Iowa	3,372	0	0.00	0	0.00	1,680	49.82
Kansas	6,365	894	14.05	57	0.90	4,461	70.09
Kentucky	7,314	4,246	58.05	0	0.00	359	4.91
Louisiana	9,475	9,396	99.17	0	0.00	0	0.00
Maine	1,038	0	0.00	0	0.00	499	48.07
Maryland	4,698	0	0.00	0	0.00	2,004	42.66
Massachusetts	3,496	0	0.00	0	0.00	1,393	39.85
Michigan	8,235	0	0.00	0	0.00	3,438	41.75
Minnesota	5,930	0	0.00	0	0.00	2,909	49.06
Mississippi	7,530	6,533	86.76	35	0.46	388	5.15
Missouri [2]	0	0	-	0	-	0	-
Montana	549	0	0.00	0	0.00	405	73.77
Nebraska	1,258	0	0.00	0	0.00	1,059	84.18

Overview of Election Administration and Votin

State	Total Number of Voting Machines Deployed	DRE without VVPAT		DRE with VVPAT		Ballot Marking Devices	
		Total	Pct.	Total	Pct.	Total	Pct.
Nevada	5,615	0	0.00	5,462	97.28	112	1.99
New Hampshire	568	0	0.00	0	0.00	309	54.40
New Jersey	11,408	11,368	99.65	0	0.00	0	0.00
New Mexico	1,203	0	0.00	0	0.00	0	0.00
New York	18,773	0	0.00	0	0.00	7,768	41.38
North Carolina	8,891	0	0.00	5,793	65.16	1,434	16.13
North Dakota	641	0	0.00	0	0.00	275	42.90
Ohio	27,895	0	0.00	22,038	79.00	1,764	6.32
Oklahoma	2,044	0	0.00	0	0.00	0	0.00
Oregon [3]	0	0	-	0	-	0	-
Pennsylvania	21,000	19,503	92.87	0	0.00	467	2.22
Rhode Island	548	0	0.00	0	0.00	0	0.00
South Carolina	13,170	13,119	99.61	0	0.00	0	0.00
South Dakota	602	0	0.00	0	0.00	502	83.39
Tennessee	8,899	7,766	87.27	0	0.00	694	7.80
Texas	31,872	26,140	82.02	1,076	3.38	1,972	6.19
U.S. Virgin Islands	79	0	0.00	0	0.00	39	49.37
Utah	1,232	0	0.00	1,077	87.42	148	12.01
Vermont	530	0	0.00	0	0.00	312	58.87
Virginia	5,115	0	0.00	0	0.00	2,045	39.98
Washington	119	0	0.00	13	10.92	35	29.41
West Virginia	2,824	0	0.00	2,498	88.46	0	0.00
Wisconsin [4]	0	0	-	0	-	0	-
Wyoming	951	0	0.00	115	12.09	350	36.80
U.S. Total	334,422	135,064	40.39	67,535	20.19	54,339	16.25

13. Describe barriers that people with disabilities encounter with voting by mail.

Voters in states that do not automatically send registered voters ballots in the mail, may encounter barriers requesting their ballot. Mail ballot request forms that are paper are inaccessible to voters with low vision and certain monitor coordination disabilities. However, electronic request forms are not without their own difficulties. Websites may not have the accessibility features required for a disabled voter to request their ballot independently. Paper mail ballots that are unavailable in alternative styles such as large font, braille, or electronically are inaccessible to low vision voters and those with dexterity disabilities. Returning the ballot has proven to be barrier to voters. For electronic ballots voters may not have personal access to printers but the large barrier was the distance to mailboxes, post offices, or ballot drop-boxes. Voters may also have physical accessibility barriers at older post offices or obstructions to ballot drop box locations.

14. Describe security considerations relevant to existing and potential technologies used by people with disabilities in the voting process.

Inaccessibility is a security concern if people with disabilities cannot access technology privately and independently there is a security risk created by relying on assistance. Accessible voting machines need to provide voters the ability to mark, cast, and verify their ballots privately and independently. Alternative voting methods including curbside voting and vote by mail should also provide voters the ability to mark, cast and verify their ballots privately and independently.

15. Describe barriers that people with disabilities face at polling locations.

The two most common categories of barriers encounter by people with disabilities at polling places are physical barriers and communication barriers. According to the U.S. Government Accountability Office (GAO) survey, Observations on Polling place Accessibility and Related Federal Guidance, 60% of polling places surveyed had one or more potential impediment.[viii] The barriers include but steep ramps, poor parking or path surfaces, difficulty accessing voting machines, long lines, and others. Inaccessible signage and communication barriers are other common barriers faced by people with disabilities at polling places.

16. Describe the accessibility of polling places.

According to a report by the Program for Disability Research at Rutgers University and the U.S. Election Assistance Commission (EAC) voting accessibility has 18% of voters with a disability faced difficulties in their polling place. The same study reported that voters were less than half as likely to encounter accessibility issues voting. Polling place accessibility has improved however there are still areas of concern. According to the GAO report parking path to building, building entrance and path to voting area are areas of potential for physical barriers to accessibility that exist. Lack of signage and the inability to communicate with voters during the check in process are also accessibility issues.

17. Identify areas where poll worker training can address barriers experienced by people with disabilities.

Poll worker trainings should focus on the entirety of the voting experience for people with disabilities. Ensuring the physical accessibility of a polling place is only one part of the voting process. Poll workers could benefit from disability awareness and etiquette training to reduce stigma and increase positive interactions between poll workers and voters. The Accessible Polling Place Location and Equipment (APPLE)[ix] class conducted by the Contra Costa County Elections Division, is a good example of a training that addresses barriers experienced by people with disabilities. The training focuses on creating a welcoming environment for all voters; utilization of the accessible voting machine for voters with and without disabilities; surveying for compliance with federal accessibility standards; using items, such as ramps and signs, to make the path of travel to the polling place accessible; and ensuring that the polling place remains accessible throughout Election Day[x]. Such a comprehensive approach to poll worker training addresses barriers to the physical environment and the voting process.

18. Identify areas where clearer or better policies can address barriers experienced by people with disabilities.

Elections staff may benefit from trainings and best practices related to implementing the requirements of HAVA and the ADA. State agency staff may find training on NVRA requirements beneficial. Compliance with current policies may decrease the gap in voter registration rate and increase the accessibility of polling places.

19. Describe any barriers that people with disabilities face to voting that disproportionately impact communities of color, persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality.

The barriers for voting at the intersection of race, disability, low geographic density, and lower socio-economic inclusion are lack of access to internet and devices, transportation, and voter identification related concerns. Signature matching has also raised concerns for communities of color and people with disabilities[xi].

20. Of the concerns and barriers noted, identify the most serious and impactful barriers faced by voters with disabilities throughout the voting process.

The disparity in voter registration rates between disabled and non-disabled voters is a significant barrier to entry to the voting process with cascading effects. With fewer disabled voters registered poll workers may be less familiar with the accessible voting machines, the accessibility requirements of the polling places, and disability etiquette. One of the most serious and impactful barriers faced by voters with disabilities is the entrenched general difficulty voting. A national survey sponsored by the U.S. Election Assistance Commission (EAC) following the 2020 elections found that 11% of voters with disabilities had some type of difficulty in voting. External factors such as the digital divide, lack of photo identification, lack of transportation, lower levels of income, lower levels of political recruitment, and lower feelings of political efficacy all have a serious and large impact on disabled voters.

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[i] https://www.sacurrent.com/the-daily/archives/2020/10/27/deaf-voters-reliant-on-sign-language-report-inadequate-access-to-the-polls-in-bexar-county

[ii] https://ballotpedia.org/Ballot_measure_readability_scores,_2020

[iii] https://acl.gov/about-acl/administration-disabilities

[iv]https://smlr.rutgers.edu/sites/default/files/Documents/Centers/Program_Disability_Research/FactSheet_Disability_Voter_Turnout_2020.pdf

[v] https://www.pewresearch.org/fact-tank/2017/04/07/disabled-americans-are-less-likely-to-use-technology/

[vi] https://www.deque.com/blog/vote-by-mail-accessibility/

[vii]https://smlr.rutgers.edu/sites/default/files/Documents/Centers/Program_Disability_Research/FactSheet_Disability_Voter_Turnout_2020.pdf

[viii] https://www.gao.gov/products/gao-18-4

[ix] https://www.cocovote.us/poll-worker-center/accessible-polling-place-locations-and-equipment-apple-class/

[x] https://www.eac.gov/making-elections-more-accessible-through-poll-worker-training

[xi] https://www.aclu.org/blog/voting-rights/signature-match-laws-disproportionately-impact-voters-already-margins

Please contact W. Ben Jackson, Subject Matter Expert at BJackson@eac.gov should you have any question or concerns with these comments.