

Public Comments RE: Promoting Access to Voting
National Institute of Standards and Technology
NIST-2021-0003-0001
Submitted electronically at pva-eo@list.nist.gov

July 15, 2021

I appreciate the opportunity to comment on federal efforts to identify and remove barriers to an independent and confidential voting process for people with disabilities.

I applaud the efforts of the National Institute of Standards and Technology to address this critical issue. State and Federal disability funding entities are working closely with disability providers throughout the country to support and expand community interactions and meaningful engagement in the community for all people with disabilities. However, the single most significant civic engagement and responsibility all Americans share is the right to vote.

But, despite that fact that people with disabilities comprise roughly one of every six eligible voters, many are denied their right to exercise the right to vote due to inaccessible polling places and other voting barriers. According to a 2017 report by the U.S. Government Accountability Office, *Voters with Disabilities: Observations on Polling Place Accessibility and Related Federal Guidance*, two-thirds of the examined polling places had at least one potential barrier such as “lack of accessible parking, poor paths to the building, steep ramps, or lack of a clear path to the voting area. Although most polling places had at least one accessible voting system, roughly one-third had a voting station that did not afford an opportunity for a private and independent vote.”

One of the major reasons contributing to the inaccessibility is a failure to implement and enforce existing voting protections for people with disabilities. **The single most effective step in expanding voting access for people with disabilities is to require poll workers to receive training on existing laws in place to protect the voting rights of people with disabilities including the identified provisions of the following Acts:**

- Title II of the Americans with Disabilities Act (ADA) that requires physical access to polling places and voting areas, effective communication, including auxiliary aids and services such as the provision of sign language interpreters or materials in alternative formats and reasonable modification of policies, practices, and procedures when necessary to accommodate individual needs, which could include curbside voting or voting from home;
- The Help America Vote Act of 2002 (HAVA) which specifically provides that voting must be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, and that each polling place have at least one accessible voting system in federal elections;
- The Voting Rights Act of 1965 that requires election officials to allow a voter who has a disability to receive assistance from a person of the voter’s choice, and prohibits conditioning the right to vote on a citizen’s ability to read, write, attain a certain level of education, or pass a test; and,
- The National Voter Registration Act of 1993 that requires all offices that offer state-funded programs or public assistance primarily to individuals with disabilities also provide them with the opportunity to register to vote in federal elections.

States should be required to have their Secretary of State audit each county every four years to ensure that provisions of the ADA, HAVA, the Voting Rights Act of 1965, and the National Voting Registration Act of 1993 are being adhered to and the voting rights of people with disabilities are preserved. Colorado state officials have conducted a voting access audit after every election and saw the percentage of people with disabilities who voted climb to 69% in 2016.

Public Comments RE: Promoting Access to Voting
National Institute of Standards and Technology
Page Two
July 15, 2021

Another critical step in effectively expanding voting opportunities for people with disabilities is to explicitly articulate that all provisions of the ADA apply to early voting procedures established by states. This is increasingly important as 34% of people with disabilities disabilities rely on Direct Support Professionals (DSPs) to aid in transportation to the polls and to provide assistance in accessing polling places and completing ballots.

However, we find ourselves in the midst of an unprecedented DSP workforce crisis with pre-COVID-19 DSP turnover rates hovering around 47% (*Direct Support Workforce and COVID-19 National Report: Six-Month Follow-up. Minneapolis: Institute on Community Integration, University of Minnesota*) and DSP vacancy rates of 17.3% (*United Cerebral Palsy & ANCOR Foundation, 2020 Case for Inclusion, February 2020*). The COVID-19 pandemic has deepened this workforce crisis. There simply are not enough DSPs to get all people with disabilities needing support to polling places on a single day. The DSP workforce crisis has made clear the need to have accessible early voting and flexibilities for people with disabilities so they can secure appropriate supports to exercise their right to vote.

Another trend that has exacerbated voter inaccessibility for people with disabilities is the expansion of voter ID laws. People with disabilities are much less likely to possess a driver's license and have much greater difficulty obtaining alternative IDs that require an in-person application process. **Systems must be put in place to provide reasonable access for alternative IDs for people with disabilities in states with voter ID laws. And states should be required to develop and implement robust information campaigns on ID requirements and alternative application processes for people with disabilities.**

Finally, states should be required to proactively reach out to people with disabilities to determine what barriers they have encountered that have prevented them from voting and what specific action state and counties can take to encourage and facilitate an increase in voting within the disability community. People who are unintentionally disenfranchised by societal and infrastructure barriers to voting are the very people who are unable, often for the same reasons, to provide information and insights on how to remove those barriers.

The ability of people with disabilities to live, work and play in their community is, to a great extent, dependent on systems and protections put in place by local, state, and federal elected officials. They have a critical interest in who is elected to positions of power that can positively, or negatively, impact their quality of life. If we are going to truly embrace home and community-based supports that nurture community engagement, people with disabilities must be empowered to have a voice in what those communities look like. The path to real influence over decisions that impact their lives is to vote.

Respectfully submitted,

Lori Anderson
President and CEO
Momentum (Formerly United Cerebral Palsy of Los Angeles)