



**LEGAL ADVOCACY UNIT**  
2111 "J" Street, #406  
Sacramento, CA 95816  
Tel: (510) 267-1200  
Fax: (510) 267-1201  
TTY: (800) 719-5798  
Intake Line: (800) 776-5746  
[www.disabilityrightsca.org](http://www.disabilityrightsca.org)

---

July 16, 2021

Submitted electronically via [www.regulations.gov](http://www.regulations.gov) and [pva-eo@list.nist.gov](mailto:pva-eo@list.nist.gov)

National Institute of Standards and Technology  
U.S. Department of Commerce  
100 Bureau Drive  
Gaithersburg, MD 20899

RE: Disability Rights California's Comments on "Promoting Access to Voting"  
NIST-2021-0003

To Whom It May Concen:

Disability Rights California (DRC) appreciates the opportunity to comment on the National Institute of Standards and Technology's (NIST) Request for Information on promoting access to voting for people with disabilities in response to [President Biden's March 7, 2021 Executive Order on Promoting Access to Voting](#). DRC is the protection and advocacy system for Californians with disabilities. Under the Help America Vote Act of 2002, DRC is charged with ensuring "the full participation in the electoral process for individuals with disabilities, including registering to vote, casting a vote and accessing polling places." See 42 U.S.C. § 15461.

### **Voting Hotline**

DRC operates a statewide voting hotline for voters with disabilities during every major election. We promote our hotline on social media and at outreach events. Approximately half the counties throughout the state also include our hotline information in their Voter Information Guides (VIG). The

cooperation we have received from the county elections officials increased our voting hotline's call volume, which allows us to assist more voters with disabilities experiencing barriers to voting and gather more information about the barriers voters with disabilities are facing.

We provide basic advice, advocate if there is a barrier and use contacts within county elections offices to resolve difficult problems that might prevent a voter from casting a ballot before polls close.

Over the years we have found that our hotline calls provide a window into the type of issues voters with disabilities are encountering statewide. We also see some issues fade due to improvements being made by County Elections officials. However, there are still issues that pop up due to new challenges.

## **Barriers to Voting Privately and Independently**

### **a. Voting from Home**

#### **1. Voting Privately and Independently**

California permits all registered voters to request and receive a Vote-by-Mail (VBM) ballot without providing a reason. In fact, for the March 3, 2020 Presidential Primary Elections, all of the registered voters in 17 of California's 58 counties were mailed a VBM ballot.<sup>1</sup> As a result of the COVID-19 pandemic, all registered voters received a VBM ballot for the November General Election<sup>2</sup> and will continue to do so through, at least, the end of 2021.<sup>3</sup>

---

<sup>1</sup> 14 of the 17 counties were implementing the Voter's Choice Act (VCA) which also requires regional vote centers and drop boxes. See Cal. Elections Code § 4005. The remaining three counties only had precincts with 250 or fewer registered voters and already had all-mail elections. Los Angeles County was also a VCA county, but was exempt from mailing all registered voters a VBM ballot. See Cal. Elections Code § 4007.

<sup>2</sup> See Assembly Bill (AB) 860 (Berman).

<sup>3</sup> See Senate Bill (SB) 29 (Umberg). There is a bill moving through the California Legislature (AB 37 [Berman]) which would permanently require counties to mail every registered voter a VBM ballot permanently.

## DRC's Comments on "Promoting Access to Voting"

July 16, 2021

Page 3 of 9

Many voters with disabilities have used a VBM ballot to vote for many years because they can take their time to make decisions about who and what to vote for. However, because a traditional VBM ballot is a paper ballot, which is impossible for many voters with certain disabilities, such as mobility, vision, learning, intellectual and developmental disabilities, to read and mark privately and independently.

Generally, a RAVBM system gives a voter with a disability an opportunity to download a ballot, allowing them to read it and mark it using their own assistive technology device. At that point, the voter with a disability has to print out their selections and return them to the County Elections Office. Voters need to either mail it or drop it off at a polling place (or vote center) in the specially provided envelope you will receive from their county elections office and sign the envelope, which has specially punched holes to indicate where a person should sign.

As of January 1, 2020, all counties have been required to have a Remote Accessible Vote-by-Mail (RAVBM) system to voters with disabilities, as well as military and overseas voters. About 10-15 counties offered a RAVBM system during the 2018 election cycle.

During the November Presidential Election, we saw a significant increase in calls regarding the remote accessible vote-by-mail (RAVBM) option. We received 20 hotline calls from voters with print disabilities who were unable to complete the voting process privately and independently. These calls ranged from basic info to help navigating the computer programs. One common theme from those calls was that RAVBM does not allow them to vote privately and independently because, if they even have a printer, they have to rely on a third party to take the print-out from the printer and put it into the return envelope so the voter can sign the mail it. Based on the call summaries, signing, printing and mailing the ballot remains a formidable accessibility barrier. We had a call from a Southern California voter who is paralyzed and could not sign the envelope, they had no way to vote privately and independently, even with RAVBM. There should be an electronic return option for RAVBM. This option could be done securely,

while also providing a person with a disability the ability to cast a private ballot independently.

## **2. Signature Verification**

Historically, the signature verification requirement has been unevenly applied. The California Secretary of State has established regulations offering guidance for how county elections officials can verify valid voter signatures. This is particularly important when evaluating signatures from voters with disabilities. Due to a variety of factors, the recognized signature of a voter with a disability may change. The SOS now offers guidance and trainings to County Elections officials on how to validate a voter's changing signature.

However, there are still issues with the return process. There should be a uniform vote-by-mail ballot design. There should also be a uniform design for the return envelope. We have provided feedback to multiple counties on how they can improve the voter signature space to make it more accessible to voters with vision disabilities.

### **b. In-Person Voting Locations**

Even though every registered voter may be getting a ballot in the mail counties must provide accessible in-person voting options so voters will be able to use the accessible voting equipment. Overall, the accessibility at polling places and vote centers in California is good. All counties utilize an accessibility check list and guideline from the California Secretary of State<sup>4</sup> to ensure each polling place or vote center is accessible. Each location has at least one accessible voting system available for voters with disabilities. Additionally, there are assistive devices available as well to make the check-in process more accessible.

---

<sup>4</sup> See California Secretary of State, *Polling Place Accessibility Guidelines*, <https://www.sos.ca.gov/elections/publications-and-resources/polling-place-accessibility-guidelines> (January 15, 2020) (last viewed July 15, 2021).

Some counties, however, have the ongoing challenge of finding locations large enough to serve as polling places or vote centers that are also fully accessible. Voters in rural counties often have longer travel times to their closest polling place or vote center. Securing locations that also have accessible exterior paths of travel are a common issue in rural counties. Voters in rural counties often have longer travel times to their closest polling place or vote center. Specific accommodation requests, such as an emergency medical ballot delivery, can be problematic in rural counties due to a lack of available staffing as well.<sup>5</sup>

During the 2020 Election cycle, there were reports in multiple counties of crowded voting locations. In Los Angeles County, during the March Primary, voters reported excessively long wait times at multiple polling locations. During the General Election in November, similar issues were reported in Riverside County. These wait times created significant issues for voters with particular disabilities. In fact, we received several calls from voters in these counties concerned about this issue.

In 2019, then Secretary of State Alex Padilla decertified legacy voting equipment, requiring all 58 counties in the state to upgrade their voting systems. The decertified equipment was often inaccessible for a person with a disability and outdated. By doing this, it guaranteed greater accessibility with the voting process for voters with disabilities. These new systems included multiple accessibility features that allow for a more independent voting experience. The effects of the new equipment were readily apparent. Typically, inoperable accessible voting equipment is one of the main issues our hotline callers have. But, in 2020, we received very few hotline calls about this issue.

---

<sup>5</sup> See the Disability Rights California publication *How Can I Vote If I Cannot Vote in Person Due to a Medical Emergency?*, <https://www.disabilityrightsca.org/publications/how-can-i-vote-if-i-cannot-vote-in-person-due-to-a-medical-emergency> (January 14, 2020) (last viewed July 15, 2021).

Los Angeles County rolled out their new voting system, the VSAP, in 2020. The County began the VSAP's design in 2009. The concept of the County's design project was to incorporate ongoing input and feedback from voting

rights advocates and community members during the design and certification process. The County also held multiple community demonstration events which allowed voters with disabilities the opportunity to use the accessibility features on the system and provide real-time feedback.

This approach was extremely effective in guaranteeing that the system would be accessible for voters with varying disabilities. It also provided people with disabilities the opportunity to be a part of the planning discussions throughout the multiple stages of the design and certification process. By creating a system that incorporated the accessibility needs of the disability community, the County was able to create a truly inclusive user experience for every voter.

### **Curbside Voting**

There should be signage required for curbside voting. Many voters with disabilities utilize this option to cast their ballot. However, there is no uniform signage used by all counties. Signage should be a requirement for all counties, as should a training for all poll workers on how to assist a voter wanting to use the curbside voting option.

### **Accessible Voting Information**

Some counties find it challenging to create and maintain elections websites that are accessible for voters with different disabilities. During the website design process, counties should complete regular accessibility checks of their website. These are particularly important when updates are being made. These checks ensure that any new information included on a county's website will be accessible to any voter who uses screen reader technologies on their personal computer.

**a. Information Regarding the Accessible Voting Options**

Counties should have information specific to voters with disabilities on their websites. This section should list the accessible voting options that are available, services that are provided to voters with disabilities, and information about any County-led meetings or events specific people with disabilities. The Center for Tech & Civic Life provides a useful template for counties wanting to create an effective and accessible Elections website. The template, <https://www.electiontools.org/tool/election-website-template/>, been used by multiple counties throughout the country to create a usable, disability-focused, online resource.

**b. Information Regarding Voter Registration**

County Elections staff needs to provide accessible information with the general voting eligibility requirements. They must provide this information in multiple accessible formats. Counties should also provide information on how a voter's conservatorship status may impact their eligibility. We have partnered with Elections staff in multiple counties on outreach events to ensure people are informed about voter registration requirements.

**c. Information Regarding What is On the Ballot**

Voters with disabilities must have voter information guides and ballots that are accessible to them. This information should be available in digital formats that are screen reader compliant. They must also have access to online resources available with information about potential ballot measures.

Ahead of both the 2020 Primary Election in March and the November General Election, we conducted outreach discussions with community groups on the proposed ballot measures. We shared information on useful information resources, including the League of Women's Easy Voter Guide and the Voter's Edge website for the state, which provides an in-depth breakdown of the upcoming ballot measures.

## **Education and Outreach**

Currently, there is no education and outreach requirement for those counties that have not adopted the Voter's Choice Act. This is particularly problematic for voters with disabilities due to the significant changes in the voting timeline and voting options due to the pandemic. The surge of misinformation that was present ahead of the 2020 Election cycle also affirms the need for a more robust outreach campaign.

While there is a need for increased education and outreach efforts, particularly within the disability community, many counties have minimal or no available funding for it. Rural counties, in particular, have a limited staff available for outreach events, so they are unable to provide adequate information and assistance to voters in more remote areas.

## **Open Communication Between Elections Officials and the Disability Community**

There should be opportunities for voters with disabilities to engage with County Elections staff in the election planning process. Approximately 35 counties in California, and the California Secretary of State's office have established a Voting Accessibility Advisory Committee (VAAC). The VAACs, comprised of community members with disabilities and disability advocates, provides invaluable feedback to the County and the Secretary of State's office on ways they can improve the voting process for people with disabilities. The VAAC members also collaborate with County Elections staff with their education and outreach efforts to promote the accessibility features of the County's voting systems.

## **Poll Worker Training (Including "Train the Trainers")**

All 58 counties include a portion of their training on the importance of accessibility and proper ways to assist voters with disabilities. In numerous counties, we have provided our presentation on best practices when assisting voters with disabilities. Over the last six years, we have started to



DRC's Comments on "Promoting Access to Voting"

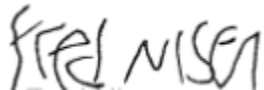
July 16, 2021

Page 9 of 9

do as much "train the trainers" presentations to poll worker trainers as possible to have greater impact. During our "train-the-trainer" presentations, we stress the importance of offering the accessible equipment to every voter. We recommend that poll-worker staff familiarize themselves with the equipment and the accessibility features. In smaller counties, however, we have found that it is more prudent to train poll workers directly because there are often just one or two poll worker training sessions.

Thank you, again, for the opportunity to provide these comments. Please feel free to contact us if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "FRED NISEN". The letters are slightly slanted and connected, with a cursive-like style.

Fred Nisen  
Supervising Attorney for Voting Rights