



2222 W. Braker Lane
Austin, Texas 78758
MAIN OFFICE 512.454.4816
TOLL-FREE 800.315.3876
FAX 512.323.0902

July 15, 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 Texas 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 Texas (DRTx) is Texas' designated Protection and Advocacy agency. We provide a wide range of services for people with disabilities, including training, education, and direct legal representation. Our mission is to advocate, protect and advance the legal, human and service rights of people with disabilities, including assisting voters with disabilities access the voting process.

DRTx specifically works with Texans with disabilities to understand their rights under state and federal law and the type of accommodations that are available to voters with disabilities. DRTx also works with local and state voting officials and policymakers to ensure that voter's with disabilities have access to the voting process.

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.

One of the biggest barriers to voters with disabilities is the lack of accessible mail ballots and mail ballot applications. Voters with print of vision disabilities are entitled to vote privately and independently. However, currently voters in Texas do not have access to an accessible mail ballot system.

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.

Adopting a system of voting by mail that allows a voter with a vision disability to receive a secure electronic ballot, mark the ballot by use of an accessible marking tool and return the ballot will make it possible for many more voters to be able to cast a private and independent ballot.

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 election officials' expertise in administering elections with disability advocates' expertise in providing access.

- *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.*

Conclusion

Disability Rights Texas 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 Jeffrey Miller, JD at jmiller@drtx.org or 512-407-2762.

Sincerely,

Jeffrey S. Miller, JD
Policy Specialist
Disability Rights Texas