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VIA ELECTRONIC SUBMISSION

National Institute of Standards and Technology
100 Bureau Drive, Mail Stop 8970
Gaithersburg, MD 20899-8970

RE: Docket Number: 210608-0123 Promoting Access to Voting

Paralyzed Veterans of America (PVA) is writing to provide comment in response to the National Institute of Standards and Technology's (NIST) request for information about barriers to private and independent voting for people with disabilities. PVA is a congressionally chartered veterans service organization founded in 1946 with nearly 16,000 members, all of whom are veterans of the armed forces who have sustained a spinal cord injury or disorder. Virtually all PVA members use wheelchairs for therapeutic rehabilitation and mobility to ensure access to the mainstream of society.

People with disabilities as a whole are the most vulnerable segment of our population. Some individuals have disabilities from birth while others acquire them later in life. Depending on the nature of their disability, individuals may be dependent on others for housing, transportation, and financial assistance. The majority of people with disabilities have mobility impairments, followed by cognitive, hearing, and vision impairments. A large part of the disability population requires some assistance with performing activities of daily living and may use durable medical equipment or assistive technology to further ensure independence and access to the mainstream of society.

The right to vote is guaranteed by the Constitution of the United States to all U.S. citizens 18 years and older who are registered by the state and or municipality of their residency to vote. Voting is considered part of a U.S. citizen's civic duty in order to ensure the strength in our democracy. However, people with disabilities often face barriers when trying to exercise their right to vote. Barriers can be found in both the registration process and when voting, whether by mail or in person.

The first barrier many people with disabilities face is knowing how and where to register. Currently, a person can register at the state-run division of motor vehicles office or other designated state offices including offices that serve people with disabilities. They can also register on the Election Assistance Commission's website, through state and local municipality websites that offer voter registration, or by mail.

These registration opportunities depend largely on the availability of transportation and access to the internet and or the capacity to write and handle paper. Registering on paper creates barriers to those who are blind or low vision or have limited hand dexterity or function by forcing them to rely on others for assistance to complete the process.

To remove barriers to registration, some states use same day registration or automatic registration. Under this process, a voter can show up at the poll, and with proper identification, register and vote that day. Automatic voter registration uses information already on file with a variety of government agencies to identify persons who are eligible to vote and add them to the voter rolls, or update their voter information, in a paperless process.

In addition to barriers to registration, many people with disabilities also encounter barriers in casting their ballot. For example, when voting by mail, paper ballots can make it difficult for some voters with disabilities to mark their choice privately and independently. Voters who are blind or low vision may have trouble reading and understanding the ballot layout and marking it independently. Having to use a marker or pen to vote can also be problematic for someone with limited hand dexterity or function.

An alternative that increases accessibility is the electronic ballot. Many states and all overseas voters receive an electronic ballot which arrives by secure email. This electronic ballot allows the voter to fill it out independently. However, only a few states allow for electronic return. Thus, after filling out the ballot, the voter would have to print it and return it via mail. This causes more barriers because some people with disabilities do not have access to a printer. Even if the voter has access to a printer, he or she may have dexterity impairments or other disabilities that make it difficult to handle paper. Also, the voter must be able to return the ballot either to a drop off location or via mail. Allowing voters to return ballots by electronically secured email would give them the opportunity to receive the electronic ballot, fill it out, and return it using an accessible device, privately and independently.

People with disabilities also face barriers when trying to vote at the polls. Polling places are public accommodations and are therefore required to be accessible under the guidelines of the Americans with Disabilities Act. These guidelines provide a detailed “path of travel” from the parking area to the entrance of the facility to the voting area and in casting a ballot. In some communities, however, accessible facilities are not always available for use as polling places.

Polling places may include a variety of barriers. For example, lack of accessible parking, or parking that is made shift accessible but still has gravel, dirt, or steep cross slopes that make it hard for wheelchair users to get in and out of their vehicles. Also, the path of travel from the parking lot may need a curb cut or ramp to the path to the polling place. There may also be a lack of accessible signage giving direction along the path to the main entrance of the polling place, but also to another entrance if needed due to accessibility issues. Once at the door of the polling place, people with disabilities might find door handles that are not accessible or doors that are too heavy to open without assistance.

Inside the polling place, additional barriers can limit access. For example, hallways with protruding objects and/or precarious slopes or lack of directional signage to the voting room. In the voting room, there might be roped lines, or a path of travel that is not wheelchair friendly due to desks, counters, or thick carpet.

In casting a ballot, people with disabilities have the option to vote on an accessible electronic voting machine that each polling place is required to have under the Help America Vote Act. Too often, however, that specific voting machine is not readily available because poll workers have not set it up or do not know how to administer it. This puts the burden on the disabled voter to advocate for use of the accessible voting machine or to vote in a manner that does not allow them to cast their ballot independently. To confirm the paper ballot, the voter must hand carry it from the area where the voter marked it to the ballot counting machine. For people who are blind or have limited hand dexterity this poses problems related to handling paper, using a marker or pen to mark the ballot, and navigating through barriers (other desks, chairs, lines) within the polling place.

Poll worker training about disability can alleviate barriers that people with disabilities face in the voting process. The vast majority of poll workers are volunteers who do the job as a civic duty. Their main exposure to disability is likely through illness or injury of a family member or friend. Historical attitudes about disability are mainly negative or paternalistic emphasizing that the person needs help or cannot accomplish things because of the disability or even a fear of the disability condition, seeing the person as not whole.

Training should put an emphasis on the needs of the disabled voter and ensuring that the polling place is a welcoming environment. Under the Voting Rights Act, people with disabilities are allowed to bring or designate a person to assist them in the voting process. The poll worker can give instructional direction as to how to cast the ballot on paper or electronically and then ask if assistance is needed.

Curbside voting can increase access to the ballot when a person with a disability cannot come into the polling place either due to their disability or inaccessibility of the location. The poll worker can bring the ballot to the voter at the curb. A curbside ballot can be an electronic machine that is hand held. This would allow the voter to vote independently. If the curbside ballot is paper, the voter would mark the ballot and two witnesses would carry the ballot into the poll to be cast and electronically recorded.

Overall, people with disabilities face barriers with transportation, communication, knowledge and understanding, and physical access in all aspects of trying to register to vote and then cast their ballot. To overcome these barriers, voters with disabilities must be provided with a variety of options to meet their individual needs. Options can include early voting at a designated location, voting by mail, voting in person on election day in the poll, and curbside voting, if necessary. We also need to educate voters with disabilities on their right to vote and the options afforded to them. These efforts can reflect how voters should plan to vote, by understanding their options to vote privately and independently, and securing the needed accommodations of physical access or an electronic ballot.

PVA appreciates the opportunity to comment on promoting access to voting for people with disabilities. If you have any questions, please contact Lee Page, Senior Associate Advocacy Director, at leep@pva.org.

Sincerely,



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