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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

The Arc Minnesota, the Minnesota Disability Law Center, and Winona ORC Industries appreciate the opportunity to provide comments to inform the National Institute of Standards and Technology's (NIST) recommendations to address the barriers preventing people who have 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 who have disabilities through these recommendations is of critical importance. Addressing the barriers that voters who have disabilities face every election cycle is long overdue. All recommendations must actively include disability community in order to be successful and equitable.

Practical solutions, including temporary fixes, to many of the barriers facing voters who have disabilities already exist, but America must begin prioritizing voters who have disabilities. NIST's recommendations have the opportunity to truly protect the rights of people who have disabilities, but to be successful; the recommendations must actively include access and voters who have disabilities.

Barriers to Voting Access for People Who Have Disabilities in America

America's electoral system is complex, and extremely localized although voting laws in the United States have changed over time and advanced access for many voters, the nation still has a long way to go in order to ensure that all Americans have equal access to vote.

Voters across the country are still being denied equal access to the ballot box and this includes voters who have 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 who have 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.

In Minnesota, advocates for persons who have disabilities have worked hard to ensure that numerous options exist for participating in elections, starting with voter registration. Options include online registration, paper registration, and Election Day registration. 17 year olds who will turn 18 before Election Day are also eligible to register to vote. We believe these are some best practices to increase registration significantly for the disability community.¹

¹ Minnesota Secretary of State, *Register to Vote*; <https://www.sos.state.mn.us/elections-voting/register-to-vote/>

It is also critical that voting information is written in plain language and available in alternative languages as needed. Minnesota allows individuals to apply for absentee ballots in a number of different languages including Spanish, Hmong, Somali, Vietnamese and others. ²

Barriers People Who Have Disabilities May Encounter Trying to Vote in Minnesota

Finding affordable, accessible, available transportation is still a barrier for people who have disabilities who want to vote in Minnesota. Another conducted pre-pandemic, by the Minnesota Regional Quality Councils (Arrowhead, Region 10, and Metro) found a common barrier to having a day-to-day routine was finding transportation to engage within their communities. Transportation may be unreliable or unavailable for persons who have disabilities in rural Minnesota. ³ The Minnesota Council of Non-Profits (MCN) was able to provide funding to coordinate transportation to the polls on Election Day in previous election cycles, but lost that ability several years ago.

Efforts to increase online access to voter registration, requesting an absentee ballot, or even accessible voting from home in the future may be impossible or delayed without better access to broadband in rural Minnesota. One in five people lack access to broadband in rural Minnesota. ⁴

Voting Access for People Who Have Disabilities in America

Despite the voting barriers that exist in America today, people who have 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 who have disabilities to mark, verify, and cast their vote privately and independently.

Practices from Minnesota That Enable Voters Who Have Disabilities to More Easily Vote

Voting Early: Absentee balloting is available 46 days before the election in Minnesota. Options include voting by mail, voting early in person at a local elections office or designated location, military absentee balloting, and the ability to track an absentee ballot online to ensure it is counted. ⁵

Minnesota also allows agent delivery of an absentee ballot for people with health conditions that may confine them to a licensed facility or otherwise prevent them from being able to leave their home to cast a ballot. The voter completes an absentee ballot application; the agent delivers the ballot to them, and ensures it is returned to an election office or by mail. ⁶

States like Minnesota that permitted “no excuse” absentee balloting in 2020 saw an increase in turnout greater than states who required authorized reasons to vote absentee. The voter turnout in no excuse states was 4% higher than other states. The turnout rate for persons who have

² Minnesota Secretary of State, *Absentee Ballot Applications*; <https://www.sos.state.mn.us/elections-voting/get-involved/voter-outreach-materials/>

³ *Regional Quality Council Technical Report, Pages 18-19, November 30, 2019*; Prepared by the Research and Training on HCBS Outcome Measurement, Institute on Community Integration, University of Minnesota.

⁴ Tim Krohn, The Free Press, July 28, 2020; *In Rural Minnesota, 1 in 5 Lack High Speed Internet*

⁵ Minnesota Secretary of State, *Other Ways to Vote*; <https://www.sos.state.mn.us/elections-voting/other-ways-to-vote/>

⁶ Minnesota Secretary of State, *Have An Agent Pick Up Your Ballot (Agent Delivery)*;

<https://www.sos.state.mn.us/elections-voting/other-ways-to-vote/have-an-agent-pick-up-your-ballot-agent-delivery/>

disabilities was 63% for no excuse states compared to 58.2% for excuse-required states or 59.8%, for excuse-required but with some COVID related exceptions.⁷

Accessible Absentee Ballots: Minnesota allows voters who have impaired vision or who are physically unable to mark a ballot to vote absentee by receiving their ballot in an accessible format, instead of by mail. Voters mark their ballot, print the completed ballot and then return a paper copy by mail. This was a new initiative for the 2020 elections but is similar to what has been allowed for military personnel in previous elections.⁸

Voting In Person on Election Day: Election Day Registration

Polls in Minnesota are open 7AM to 8PM on Election Day. A major benefit for persons who have disabilities and others is the ability to register at the polls on Election Day. There are some required photo IDs in order to register, including drivers licenses, Minnesota ID Card, U.S. Passport, Military ID, Student ID or Tribal ID. In addition, someone can prove their address by showing a photo ID along with a current bill such as utility, banking, or credit card that has their current address. As an alternative to showing proof of ID, another person who lives in their precinct can vouch for them in a signed document that confirms the person lives in the precinct.

For persons who have disabilities who live in a licensed facility, their support staff may vouch for people who live there. The staff must provide proof of their employment. A list can be provided to the county election office before the election of staff or the staff can show their employee identification badge at the polling stations.⁹

Voting In Person on Election Day: Assistance and Accessibility

Assistance: Any person can have a polling place worker, friend, family member, or support professional assist them in filling out their ballot at the polling station. The exceptions are people who are employers or members of the same union. This important accommodation can make it easier for the voter who has disabilities to get support with marking their ballot from someone they know and trust.¹⁰

Curbside Voting: A voter who has disabilities who is unable to leave a vehicle to go inside the polling station can have two election judges from different political parties come to the vehicle and provide a ballot to the person. Same day registration is also available curbside. The election judges return the ballot to the polling station where it is counted.¹¹

Physical Accessibility: There are state and federal laws that require minimum standards of accessibility at polling stations including accessible parking, curb cuts, ramps, and width of doors, accessible bathrooms, stairs and other features that provide access. If a polling place does not

⁷ Rutgers University, *Fact Sheet on Disability and Voter Turnout in the 2020 Elections*; Lisa Schur and Douglas Kruse; https://www.eac.gov/sites/default/files/document_library/files/Fact_sheet_on_disability_and_voter_turnout_in_2020_0.pdf

⁸ Minnesota Secretary of State Press Release, October 21, 2020; *Secretary of State Announces New Tools for Voters with Disabilities*; <https://www.sos.state.mn.us/about-the-office/news-room/secretary-of-state-announces-new-tools-for-voters-with-disabilities/>

⁹ Minnesota Secretary of State, *I'm In A Residential Facility*; <https://www.sos.state.mn.us/elections-voting/register-to-vote/im-in-a-residential-facility/>

¹⁰ Minnesota Secretary of State, *Get Help Voting*; <https://www.sos.state.mn.us/elections-voting/election-day-voting/get-help-voting/>

¹¹ Minnesota Secretary of State, *Curbside Voting*; <https://www.sos.state.mn.us/elections-voting/election-day-voting/get-help-voting/>

meet these requirements, a complaint process is available.¹² The Secretary of State's Office regularly collaborates with nonpartisan advocates to conduct polling location accessibility audits, which can help identify and address physical barriers to voting.

Ballot-Marking Machines: Persons who have disabilities, people who might have difficulty filling out a ballot, or need a large print can use a ballot-marking machine at their polling place. All polling places are required to have an assistive ballot-marking machine. The ballot-marking machines also assist voters who need to use braille touchpad or want the ballot read to them through headphones. Counties purchase ballot-marking machines from vendors that the Minnesota Secretary of State's office has approved.¹³

Recommendations to Improve Voting Access for People Who Have Disabilities in America

People who have disabilities have overcome tremendous odds to participate in elections, but they simply should not have to. Moving forward, America must better address the barriers encountered by voters who have disabilities. To promote access, jurisdictions, election officials, and policy makers must include people who have disabilities in the planning process, combining election official's expertise in administering elections with disability advocate's expertise in providing access.

RECOMMENDATIONS TO PROMOTE ACCESS TO VOTERS WITH DISABILITIES

- *Prioritize disability rights to ensure policies and systems enable voters who have disabilities to vote privately, with or without supports of their choice, and include people who have disabilities in decision-making processes.*
- *Promote campaigns to educate voters who have disabilities about their right to vote, and what accommodations/accessibility options are available to them.*
- *Invest in training for election officials and poll workers to ensure they are advocating for and protecting the rights of voters who have disabilities.*
- *Increase the number of accessible voting systems/equipment at polling places.*
- *Increase the accessibility of current vote-by-mail systems, allow all voters to vote by mail, and offer electronic remote balloting.*
- *Expand 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.*
- *Create a national resource center on accessible voting to conduct cultural competency trainings for election officials and poll workers to create truly accessible voting systems.*

¹² Minnesota Secretary of State, *Polling Place Accessibility*; <https://www.sos.state.mn.us/elections-voting/election-day-voting/polling-place-accessibility/>

¹³ Minnesota Secretary of State, *Ballot Marking Machine*; <https://www.sos.state.mn.us/elections-voting/election-day-voting/ballot-marking-machine/>

Voter Suppression

There are unprecedented efforts to undermine the fundamental right to vote in numerous states across the country. 31 bills with restrictive provisions have passed at least one legislative chamber in 18 states. As of June 21, 2021, 17 states enacted 28 laws restricting the right to vote.¹⁴ New momentum for these restrictive laws gained after former President Trump lost the 2020 election, and after the January 6, 2021 insurrection.

Given these threats, all three branches of the U.S. government, including the Executive and Justice Department, Congress, and the federal courts must intervene to ensure that the fundamental right to vote is protected for all Americans, regardless of disability, race, or income status.

People who have 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 Gene Martinez, genemartinez@arcminnesota.org or 952-915-3615.

Sincerely,

The Arc Minnesota

Founded by parents of children who have intellectual and developmental disabilities (IDD) in 1946, The Arc Minnesota is a statewide nonprofit advocacy organization that promotes and protects the human rights of people who have IDD, supporting them and their families in a lifetime of inclusion and participation in their communities. We believe people who have disabilities are inherently strong, powerful, capable, and resilient.

The Arc Minnesota has also served as coordinator of Rev UP MN - a coalition of 23 organizations statewide dedicated to increasing the percentage of voters who have disabilities in Minnesota. Rev UP MN is an affiliate of Rev UP America and the American Association of People with Disabilities (AAPD).¹⁵

Mid-Minnesota Legal Aid/Minnesota Disability Law Center (MDLC)

MDLC is Minnesota's Protection and Advocacy organization for individuals who have disabilities. Through a grant funded by the Help America Vote Act, MDLC conducts non-partisan voting rights work. Part of their work is to train individuals who have disabilities on their voting rights in order to increase their participation in elections.

Winona ORC Industries

Winona ORC Industries is a nonprofit disability service provider in Southeast Minnesota that supports more than 300 of our neighbors who have disabilities, striving to help them find work and achieve independent lives.

Since 1973, Winona ORC has served these community members by providing learning opportunities

¹⁴ Brennan Center for Justice; *Voting Laws Roundup – May 2021* (Updated June 21, 2021)

<https://www.brennancenter.org/our-work/research-reports/voting-laws-roundup-may-2021>

¹⁵ American Association of People with Disabilities (AAPD); *REV UP: Register, Educate, Vote, Use Your Power*

<https://www.aapd.com/advocacy/voting/>

and job-related services, partnering with over 50 businesses to create job opportunities.