COMMENT TO NIST RFI – PROMOTING ACCESS TO VOTING

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Prepared by Voatz, Inc.

INTRODUCTION

Voatz, Inc. provides a *Remote Accessible Ballot Delivery, Marking & Return* (RABDMR) platform that readily integrates with various EAC-certified Election Management solutions. Our expertise is in delivering an accessible, independent, private, and secure means to vote for the disabled, UOCAVA, and other citizens who cannot vote in person and face challenges voting by mail.

The Election Assistance Commission (EAC) certifies *ballot marking devices (BMDs) and direct-recording electronic machines (DREs)* for in-precinct use. These electronic devices are available in nearly all polling locations and meet most accessibility requirements, yet barriers impede the disabled voters' ability to participate. Of particular concern are ensuring both privacy and convenience. Requiring the voter to learn how to use unfamiliar equipment adds time and complexity, further distancing the individual from the average population. Instead, we believe in taking advantage of the familiar assistive technologies they are already using in their daily lives.

In addition to in-precinct voting, all U.S. jurisdictions allow some form of remote ballot return. Traditionally, this is an *official paper absentee ballot*. However, paper absentee ballots are not accessible to many voters with visual or dexterity disabilities. In addition, they can be largely impractical for those citizens who are homebound or living abroad.

Electronic methods of remote voting better meet accessibility requirements and incorporate various ADA compatible standards. However, remote voting methods vary in addressing security, voter privacy and independence, and integration into overall election processes of ballot readiness for tabulation. From the perspective of accessibility, there are two primary methods of *remote ballot return*.

Remote Accessible Vote by Mail (RAVBM) systems offer accessible electronic ballot delivery and marking, usually using an internet browser. However, the disabled voters must figure out how to print the ballot and figure out how to return it to the jurisdiction, be it by mail, email, or fax. The requirement of printing a ballot does not satisfy the accessibility criteria for several voters.

To further complicate the situation, these need to often times transcribe to voter's intent ballots marked on paper not bought, printed, and supplied by the jurisdiction frequently need to be 're-marked.' This need to transcribe the voter's intent adds both work and risk into the process of assuring the disadvantaged voter's vote can be optically scanned and tabulated.

Collectively the challenges imposed on the disabled in making sure they will receive, mark and successfully return their marked ballot disenfranchise a large part of the US population.

In contrast, *Remote Accessible Ballot Delivery, Marking and Return (RABDMR)* systems offer the highest accessibility at every stage by providing robust support for all voters, including those with visual, cognitive, mobility, and dexterity disabilities. Hearing is not required for voting (unless using a screen reader). As an example, *Voatz's mobile first RABDMR solution complies with all applicable accessibility standards and guidelines, and leverages the assistive technologies present in the voter's own COTS (commercial, off-the-shelf) mobile device. In addition, its usability and accessibility has been verified in independent reports and confirmed in feedback from disabled voters (described here and here).*

RFI question	Our Comments
1. Describe concerns regarding accessing the right to vote privately and independently for people with disabilities.	Traditional paper absentee ballots that require the voter to read and mark the ballot are not accessible for many voters with visual or dexterity disabilities. In addition, handling the envelopes and signature forms can be a barrier as well. Thus, many voters must rely on assistance from a trusted family member or care worker, eliminating their ballot's privacy. In-precinct accessible ballot marking devices (BMDs/DREs) are available in nearly all polling locations and meet accessibility requirements, yet can still present barriers to disabled voters, particularly their privacy, independence, and convenience. The BMD's assistive technologies may be unfamiliar to the voter. In addition, they will likely require poll worker assistance to select the correct ballot style and enable/configure assistive technologies. Once the voting session is completed and the BMD prints the marked ballot, disabled voters may be unable to deliver it for tabulation without revealing their selections, despite best attempts at privacy. Remote, electronic methods of remote voting improve upon accessibility and convenience for voters. *Remote Accessible Vote by Mail (RAVBM)* systems offer accessible electronic ballot delivery and marking, usually using an internet browser. However, voters are then required to print the ballot at home and return it to the jurisdiction by mail or fax, which presents significant challenges to disabled voters. In contrast, *Remote Accessible Ballot Delivery, Marking and Return (RABDMR)* systems offer the highest accessibility at every stage.

2. Describe effective strategies, techniques, and technologies for addressing the barriers faced by voters with disabilities throughout the voting process.	Focusing on remote ballot return specifically, strategies to address barriers include: 1. Delivering the ballot to the voter electronically for electronic marking and return to the jurisdiction (thereby eliminating the need for printing, faxing or mailing the ballot.). 2. Using the voters' own commercial, off the shelf (COTS) equipment such as mobile phones and tablets. These devices include assistive technologies such as screen readers, hands-free navigation, and support for other external Bluetooth assistive devices, which will already be familiar to voters. Combined with conforming accessible design, these assistive technologies enable voters to mark and return a ballot independently, conveniently, and securely from the privacy of their homes. Modern *Remote accessible ballot delivery, marking, and return* (RABDMR) systems have been successfully used in many jurisdictions, including Daggett and Utah County in Utah, Pierce County in Washington, Denver County in Colorado and Jackson County in Oregon.
4. Describe barriers that people with disabilities encounter with ballots, and in getting useful information about the items on the ballot.	Many jurisdictions mail ballot paper information packets to voters that are inaccessible to many disabled voters. Election information websites provide greater accessibility but are unavailable for review at polling sites. In contrast, remote electronic ballot return methods offer the capability to link candidate/referendum information directly into the voting system and allow all voters additional time to review them while voting from home.

5. Provide recommendations for improving voter access for people with disabilities.	**Remote accessible ballot return systems offer the greatest flexibility for disabled voters.** This is especially true for RABDMR systems where both marking and returning their ballot to the election office is electronic (thereby eliminating the need for voters to print and mail them.) Moreover, in contrast to aging BMD/DRE devices at polling locations, RABDMR systems use modern commercial, off-the-shelf (COTS) equipment that includes extensive accessibility capabilities. These devices include assistive technologies such as screenreaders, hands-free navigation, and support for external Bluetooth assistive devices, which will already be familiar to voters. These capabilities are provided natively in iOS and Android mobile phones and tablets. Similar capabilities are available in Windows and Mac computers. Combined with conforming accessible design, these assistive technologies enable voters to mark and return a ballot independently, conveniently, and securely from the privacy of their homes. Voatz encourages and recommends compiling and sending a memorandum to each state election board on the various remote accessible voting methods available to support their evaluation of the best accessible voting system to meet their voters' needs.
6. Identify what has had the most impact enabling people with disabilities to vote privately and independently.	**Elements to enable voters with disabilities to vote privately and independently include:** (1) The ability of voters to familiarize themselves with the ballot without time pressure to complete it quickly at a polling station. (2) The ability to vote using their own COTS device and assistive technologies from their home. (3) Availability of remote accessible electronic ballot return (RABDMR) to the jurisdiction which can eliminate any need for printing, scanning, faxing or mailing which are generally inaccessible to voters.

7. Identify gaps that remain in making voting accessible to people with disabilities.	**By far the largest gap remaining to greater accessibility is a lack of objective standards to enable broader adoption of remote, accessible electronic ballot return.** The Election Assistance Commission's recently updated Voluntary Voting System Guidelines (VVSG) Version 2.0 do not provide criteria for evaluating remote electronic ballot return, yet the majority of states require VVSG compliance when adopting and certifying new voting systems. This puts Secretaries of State and election officials in a bind, wishing to better serve voters with disabilities, but lacking objective criteria to evaluate more accessible systems. In order to help close this gap, Voatz is collaborating with other election industry professionals to draft such a standard that comprehensively addresses security, accessibility and interoperability with existing voting systems for consideration by the EAC and other certifying authorities.
8. Describe barriers that people with disabilities encounter with completing online forms for the voting process.	Online forms should and generally do comply with Web Content Accessibility Guidelines (WCAG 2.0 level AA) to work with assistive technologies such as screen readers. However sometimes other supporting documentation may be required, such as a 'wet' signature, based on local election laws.
11. Describe barriers that people with disabilities encounter using technology for the registration or voting process, whether online, in person, or via mail.	As previously discussed, paper forms generally do not support assistive technologies. Even online, a disabled voter may require assistance to register, especially when providing supporting information such as an ID or signature. However, while registration is concerning, the absolute highest priority must be given to accessibility of the voting process itself which must be 100% independent, private and secure.
12. Describe the availability of accessible voting equipment.	EAC requires that VVSG certified voting systems offer an accessible ballot marking device (BMD or DRE) for in-precinct use. However, in practice, availability and operation of these devices may be limited due to equipment obsolescence and insufficient poll worker training, in

	addition to the challenges of transport to and from poll sites. Not every jurisdiction has made secure remote accessible ballot marking and return available to their voters. This is a significant area for improvement. By using a voter's own COTS device, voters avoid unfamiliar assistive technology and can rely on their own screen-reader, headphones, etc. Moreover, when the ballot is returned electronically (as with RABDMR), they avoid the barrier of printing the ballot, envelopes, fax machines, etc.
13. Describe barriers that people with disabilities encounter with voting by mail.	Paper absentee ballots require the voter to read and mark the ballot, is not possible for many with visual or dexterity disabilities. In addition, handling the envelopes and signature can be a barrier as well. Many voters will require assistance from a trusted family member or care worker which eliminates their privacy. Remote accessible vote by Mail (RAVBM) improves accessibility of ballot reading (screen reader) or marking (gross movements) but still require printing the ballot and even constructing custom envelopes (such as the Federal Write-in Absentee Ballot (FWAB))
14. Describe security considerations relevant to existing and potential technologies used by people with disabilities in the voting process.	*In person voting* *By mail and RAVBM – chain of custody: The challenges of private and independent voting offer multiple points of potential tampering* *RABDMR, while offering the highest level of accessibility at every stage, can also leverage the native security features in mobile devices, remote ID proofing (based on NIST 800-63), biometrics and the immutability of recent developments involving blockchain-based technologies to prevent tampering and ensuring the identity of each individual voter.*
15. Describe barriers that people with disabilities face at polling locations.	Challenges to the accessibility of polling places are well documented and include wheelchair inaccessibility, queues with no seating available, and poll workers unfamiliar with accommodations and accessible voting equipment configuration.

17. Identify areas where poll worker training can address barriers experienced by people with disabilities.	Training poll workers regularly on accessible BMDs is critical. Poll workers are needed to set up the voting session (e.g. select ballot style, appropriate assistive devices, etc.) but may forget how between elections. In addition, poll workers may need awareness training to avoid accidentally discouraging disabled voters or infringing on their rights. (For example, a poll worker should not ask a voter about their disability but instead offer assistive technologies available.) In general, early voting is encouraged where permitted so that poll workers are not stretched thin with long lines on election day. Finally, remote accessible ballot delivery marking and return (RABDMR) systems may reduce demands of poll workers while simultaneously permit disabled voters to vote independently and privately from home.
18. Identify areas where clearer or better policies can address barriers experienced by people with disabilities.	**By far the largest gap remaining to greater accessibility is a lack of objective standards to enable broader adoption of remote, accessible electronic ballot return.** The Election Assistance Commission's recently updated Voluntary Voting System Guidelines (VVSG) Version 2.0 do not provide criteria for evaluating remote electronic ballot return, yet the majority of states require VVSG compliance when adopting and certifying new voting systems. This puts Secretaries of State and election officials in a bind, wishing to better serve voters with disabilities, but lacking objective criteria to evaluate more accessible systems.
20. Of the concerns and barriers noted, identify the most serious and impactful barriers faced by voters with disabilities throughout the voting process.	Just like the rest of the population, voters with disabilities have the right to vote independently and privately. This is particularly challenging when they don't access to accessible ballot marking devices at polling locations or have to rely on returning the ballot via postal mail. Printing ballots at home using web portals is also not satisfactory from an accessibility and privacy perspective for several voters with disabilities.

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- *Accessible PDF* version of above statement - https://voatz.com/wp-content/uploads/2020/10/Voatz-Accessibility-Statement.pdf. (*doesn't include video links*)
- ProV&V Independent Test Report (Appendix A-2 covers Accessibility)
- Voluntary Voting System Guidelines 2.0 https://www.eac.gov/sites/default/files/TestingCertification/Voluntary_Voting_System_Guidelines_Version_2_0.pdf
- Commentary from a vision impaired voter - https://www.sltrib.com/opinion/commentary/2021/02/17/jeff-smith-utah/
- Oldest voter in Utah sharing her experiences regarding an in-home RABDMR device - https://voatz.com/2019/11/05/utahs-oldest-voter-among-first-in-state-to-test-out-new-mobile-voting/
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- A. J. Perez and E. N. Ceesay, "Improving end-to-end verifiable voting systems with blockchain technologies" *2018 IEEE International Conference on Internet of Things (iThings) and IEEE Green Computing and Communications (GreenCom) and IEEE Cyber, Physical and Social Computing (CPSCom) and IEEE Smart Data (SmartData)*, pp. 1108–1115, 2018.
- EAC-Rutgers survey on voting accessibility in 2020 elections - https://www.eac.gov/sites/default/files/voters/Disability_and_voting_accessibility_in_the_2020_elections_final_report_on_survey_results.pdf

Some Comments from Voters with Disabilities in the Press:

New York Times:
Kicked From the Curb in Alabama
The Supreme Court's ruling to restrict access to voting last week is a reminder of the importance of disability rights laws for protecting the civil rights of all Americans.
By Ari Ne'eman
Mr. Ne'eman is a disability rights activist and author.

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Salt Lake Tribune
Jeff Smith: Utah Legislature should support mobile voting
Mobile voting would help missionaries, armed services members and voters with disabilities
Jeff Smith, Blind Voter

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Montgomery Advertiser
Disability shouldn't limit access to my fundamental right to vote

Dr. Eric Peebles has served as executive director of Accessible Alabama since co-founding the organization in 2013. He also serves as the Advocacy Chair for the State of Alabama Independent Living Council. Peebles is a former Adjunct Professor of Rehabilitation and Disability Studies at Auburn University.

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PEW Trusts
How Voters With Disabilities Are Blocked From the Ballot Box