

July 7, 2020

The Honorable Mitch McConnell
Majority Leader
United States Senate
Washington, D.C. 20510

The Honorable Charles Schumer
Minority Leader
United States Senate
Washington, D.C. 20510

The Honorable Nancy Pelosi
Speaker of the House
United States House of Representatives
Washington, D.C. 20515

The Honorable Kevin McCarthy
Minority Leader
United States House of Representatives
Washington, D.C. 20515

RE: Protect the Rights of Voters with Disabilities during the COVID-19 Pandemic

Dear Majority Leader McConnell, Minority Leader Schumer, Speaker Pelosi, and Minority Leader McCarthy:

On behalf of the undersigned organizations, which represent and work to advance the rights of people with disabilities, we urge Congress to protect the rights of voters with disabilities during the COVID-19 pandemic. The Health and Economic Recovery Omnibus Emergency Solutions (HEROES) Act takes critical steps towards voting access, but now is the time to make every step of our voting system more accessible to all eligible voters, while protecting the health and safety of every voter. Specifically, we ask that Congress: (1) emphasize the requirement that all elections websites and online voter registration portals be accessible; (2) protect and expand in-person and early voting options; 3) require multiple accessible options be available for remote voting, such as Remote Access Vote by Mail (RAVBM); and; (4) provide funding to research, create, and test systems to improve access to voters with disabilities to more easily vote by mail and online.

People with disabilities have overcome tremendous barriers to participate in our elections. Congress recognized these barriers when it passed the Americans with Disabilities Act (ADA) in 1990 and the Help America Vote Act (HAVA) in 2002. Even though the COVID-19 pandemic will have a profound impact on our elections, we cannot disregard the commitments Congress has made to voters with disabilities. The ADA and HAVA must be protected and enforced to their full capacity to ensure every voter has equal access to a private, independent ballot.

The voting process begins with registration and so must accessibility. We request Congress provide funding to states to create accessible election websites and online voter registration portals that enable voters with disabilities to obtain important election information and provide equal access to voter registration.

We ask that Congress provide the necessary funding to ensure election administrators maintain in-person voting options to allow voters with disabilities to utilize accessible voting machines at polling locations. Increased election funding will support election administrators to follow the

Centers for Disease Control and Prevention (CDC) and other federally recommended health guidelines for COVID-19 safety. Additionally, polling locations must be prepared to provide personal protective equipment (PPE), sanitizers, and handwashing stations for personnel, volunteers, and voters. Early voting periods and hours for in-person voting must be extended for several weeks before Election Day to reduce congestion at the polls and allow for social distancing. The number of ballot marking devices or other accessible stations must also be significantly increased at every polling place. Provide the option of curbside voting, where two poll workers are available to staff the curbside position, to increase both safety and access for people with disabilities who may not be able to wait in lines, or risk crowds at polling places. *(Note: the option of curbside voting does not replace the obligation to have an accessible polling place.)*

In addition to following COVID-19 safety guidelines for in-person voting, many states are implementing vote-by-mail or no-excuse absentee voting programs to address voters' safety concerns and reduce congestion at the polls. When states implement vote-by-mail programs that only allow the voter to cast a hand-marked paper ballot, they discriminate against voters with disabilities. In order to complete a hand-marked paper ballot, a voter is required to read standard print, physically mark ballot choices, seal and certify the ballot via a signature on the envelope, and mail or return the ballot back to be counted. Each of these requirements is a barrier to accessibility for individuals with disabilities that forces the individual to seek assistance from another person in order to vote, depriving the individual with a disability of the right to mark, verify, and cast their ballot privately and independently. While we agree that there are many benefits of vote-by-mail programs, we cannot abandon the fundamental principle of our democracy that every eligible voter who wishes to cast a ballot should be afforded the opportunity to do so privately and independently, and in this pandemic, safely. In order to prevent discrimination against voters with disabilities in mail-in-voting programs, we ask that Congress provide the necessary funds to states to ensure their vote-by-mail programs have accessible options that are available to all voters. To remove some of the barriers of vote-by-mail programs, states must implement RAVBM systems in addition to paper ballots, extend their deadlines for absentee ballot applications and return of absentee ballots, and remove barriers such as requirements for doctor notes, notaries, and witnessed signatures.

Even under normal circumstances, America's voting system remains largely inaccessible. Less than half of America's polling places are ADA-compliant¹ and current vote-by-mail systems lack an accessible option to all voters with disabilities. Online voting holds the greatest hope for guaranteeing that all voters can safely, independently, and privately cast ballots and it could ensure that voters with disabilities can cast a private, independent absentee ballot by allowing for the electronic return of ballots. While online voting technology is still evolving the answer is not, as some vocal critics suggest, to shut down voting innovation. Accordingly, we ask that Congress include language in the final version of the next COVID-19 relief package reaffirming the mandate of the ADA and HAVA by broadening online voting access through state and local

¹ <https://www.gao.gov/products/GAO-18-4>

piloting and experimentation. Online voting holds the greatest hope for guaranteeing that all voters can safely, independently, and privately cast ballots.

During these unprecedented times, Congress must protect the rights of every voter. We strongly urge Congress to allocate the funds necessary to make election websites and online voter registration portals accessible, protect and expand in-person and early voting options, require an accessible remote voting option as an addition to vote-by-mail, and fund research options to make accessible remote voting a reality. The health of our voters and the health of our democracy depend on it. If you would like to discuss accessible voting and the requests in this letter, please contact Clark Rachfal, Director of Advocacy and Governmental Affairs, American Council of the Blind (crachfal@acb.org), and Erika Hudson, Public Policy Analyst, National Disability Rights Network (erika.hudson@ndrn.org).

Sincerely,

American Association of People with Disabilities
American Council of the Blind
American Network of Community Options & Resources
Association of Assistive Technology Act Programs
Association of Programs for Rural Independent Living
Association of University Centers on Disabilities
Autistic Self Advocacy Network
Bazelon Center for Mental Health Law
National Center for Learning Disabilities
National Council on Independent Living
National Disability Rights Network
National Down Syndrome Congress
Paralyzed Veterans of America
Perkins School for the Blind
The Arc of the United States
United Spinal Association
Washington Lawyers' Committee for Civil Rights and Urban Affairs
World Institute on Disability