December 29, 2021

Dr. Nichelle Williams
Director of Research
U.S. Election Assistance Commission
633 3rd St NW, Suite 200
Washington, DC 200018

Submitted electronically through www.regulations.gov

Re: Comments on National Mail Voter Registration Form, Docket Number: EAC-2021-0003

Dear Dr. Williams,

The undersigned organizations write to comment on the proposed information collection regarding the National Mail Voter Registration Form as detailed in the Election Assistance Commission ("EAC") Federal Register Notice published at 86 FR 67929 (November 30, 2021).

The version of the National Mail Voter Registration Form ("NMVRF") housed on the Election Assistance Commission website is the only version currently available on any federal government website.[1] In its current format, this interface is inaccessible to individuals with print disabilities, among other accessibility issues. The EAC's current PDF of the NMVRF does not meet Revised 508 Standards, which incorporate and apply the Web Content Accessibility Guidelines ("WCAG") 2.0 Level AA success criteria and conformance requirements to both web and non-web electronic content.[2]

This lack of accessibility creates an undue burden on many individuals with disabilities trying to access and use the NMVRF. The EAC should take steps to address this burden and make improvements to the interface with the NMVRF available to the public on its website to comply with the Revised 508 Standards.

These standards require that web content, including PDFs, be perceivable (e.g., alternate text should be available for images and other non-textual content); operable (e.g., all functionality should be available from a keyboard); and understandable (both in terms of content and the operation of the user interface).[3] Web content must also be robust enough to be "interpreted

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[1] National Mail Voter Registration Form ("NMVRF"), U.S. ELECTION ASSISTANCE COMM'N, https://www.eac.gov/voters/national-mail-voter-registration-form (last visited Dec. 2021; *see also* https://www.section508.gov/create/applicability-conformance voters/national-mail-voter-registration-form (last visited Dec. 2021).

[2] *See* Section 508 ICT Testing Baseline, SECTION 508 COORDINATORS, https://section508coordinators.github.io/ICTTestingBaseline/ (last visited Dec. 2021); *see also* https://www.section508.gov/create/applicability-conformance (last visited Dec. 2021); https://www.pdflib.com/pdf-knowledge-base/pdfua/wcag-20/ (last visited Dec. 2021).

[3] *See* https://www.pdflib.com/pdf-knowledge-base/pdfua/wcag-20/ (last visited Dec. 2021).

reliably by a wide variety of user agents, including assistive technologies."[4] The EAC's PDF of the NMVRF does not comply with these standards.[5] The EAC should make the necessary changes to ensure that the NMVRF is both readable and fillable by screen readers or any other assistive technology, in compliance with WCAG 2.0 Level A and AA standards.

Beyond fixing the issues with accessibility, the EAC could also incorporate important and complimentary web design principles of usability (designing an effective and user-friendly website) and inclusion (designing a website for a diverse group of web users, including through translated language options.)[6] As explained by the World Wide Web Consortium Web Accessibility Initiative, which publishes the widely-used WCAG: "Accessibility, usability, and inclusion are closely related aspects in creating a web that works for everyone. Their goals, approaches, and guidelines overlap significantly. It is most effective to address them together when designing and developing websites and applications."[7] Other web accessibility groups have also described how these principles can intersect: "Meeting the accessibility needs of a website serves its usability experience; when the user experience is simple, intuitive, and easy to navigate, it lends itself to being more inclusive of users who have visual, cognitive, or mobility impairments. . . . Many initiatives that improve a website's accessibility for people with disabilities also improve general usability and vice versa."[8]

The current interface with the NMVRF is not user-friendly and is extremely cumbersome for any potential voter. While the actual voter registration application is only one page, the NMVRF available online includes two versions of this application page—one of which is a read-only PDF (on page 6/27) and one of which is a fillable pdf (on page 4/27), where an individual can type directly into the PDF.[9] But there is no explanation provided as to why there are two separate but seemingly identical PDF options, nor is there any explanation that users can type into one of the forms. Additionally, while there is one page of General Instructions and one page of Application Instructions that provide necessary information for all voters, the current NMVRF PDF

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[4] *See* https://www.w3.org/TR/UNDERSTANDING-WCAG20/intro.html, (last visited Dec. 2021).

[5] Moreover, when applying the Accessible Name & Description Inspector ("ANDI") tool to the EAC website that hosts the NMVRF, there were 33 accessibility alerts (across many different types of features: focusable elements, graphics, structures, hidden content, etc.). The ANDI is a free, open-source tool created by the Social Security Administration's Accessible Solutions Branch. *See* https://www.ssa.gov/accessibility/andi/help/install.html (last visited Dec. 2021). It is used as part of the U.S. Access Board's testing baseline for web accessibility. *See* https://www.ssa.gov/accessibility/andi/help/install.html (last visited Dec. 2021); https://section508coordinators.github.io/ICTTestingBaseline/ (last visited Dec. 2021).

[6] The principle of inclusion also considers factors such as web users' differing levels of age, education, computer literacy, economic status, access to Internet connectivity, and different cultural backgrounds. *See* Accessibility, Usability, and Inclusion, W3C WEB ACCESSIBILITY INITIATIVE, (last updated May 6, 2016), *available at* https://www.w3.org/WAI/fundamentals/accessibility-usability-inclusion/ (last listed Dec. 2021).

[7] *See id.*

[8] *See* Accessibility vs. Usability vs. Inclusion, BUREAU OF INTERNET ACCESSIBILITY (May 14, 2019), *available at* https://www.boia.org/blog/accessibility-vs-usability-vs-inclusion, (last visited Dec. 2021).

[9] *See* National Mail Voter Registration Form, U.S. ELECTION ASSISTANCE COMM'N, https://www.eac.gov/voters/national-mail-voter-registration-form (last visited Dec. 2021). However, even the fillable PDF appears to have glitches and may be of limited use; for example, clicking into the form's check boxes may not successfully mark the boxes (including the questions about meeting citizenship and age eligibility requirements).

document also provides state-specific instructions for all fifty states and the District of Columbia, even though potential voters only need the instructions for their relevant state (which are usually only a few paragraphs). The entire document prints out at twenty-seven pages, even though an individual should only need four pages at most: the one-page application, the one-page General Instructions, the one-page Application Instructions, and their brief state-specific instructions. Adding to the confusion, the current PDF also includes two versions of a mailing page but does not provide a mailing address on the mailing pages or mailing instructions. Even if an individual completed the application form and successfully printed out this long document, it could still be difficult to figure out how and where to actually mail the completed form.[10]

The EAC could significantly ease the burden on all individuals, including potential voters with disabilities, who want to access the NMVRF by creating an accessible and user-friendly version of the NMVRF. For example, by making small common-sense adjustments to the format of the NMVRF so that users will only have to handle the pages with relevant instructions for their state of residence instead of a twenty-seven-page form (with unnecessary instructions for all fifty states). These changes would make the NMVRF much more accessible and manageable, including for potential voters who are navigating the document with screen readers and who have low literacy.

Many groups have made user-friendly modifications to the format of the NMVRF. While not all of these examples are WCAG 2.0 AA compliant, they provide a starting point. These examples include:

- Rock The Vote, https://www.rockthevote.org/how-to-vote/register-to-vote;
- Turbo Vote, https://turbovote.org/;
- Vote.org, https://www.vote.org/register-to-vote/; and
- Trigger the Vote, https://www.triggerthevote.org/register-to-vote/.

These systems are designed to help facilitate individuals completing the NMVRF by asking them simple questions and pre-populating their voter registration application forms accordingly. The end product looks the same as if an individual printed out a blank paper copy of the NMVRF and completed the relevant portions by hand. These examples are in regular use and have been in use for a number of years,[11] and local election officials accept the forms created by these systems without issue.[12] If the EAC could provide an interface with the NMVRF that is both WCAG 2.0 AA compliant *and* user-friendly, this could significantly improve the web experience for

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[10] Because the instructions are not clear, if an individual thought the entire twenty-seven page PDF needed to be included when mailing the application, the weight of this document would surpass the standard weight limit for a typical postage stamp, possibly resulting in a failure to mail the document due to insufficient postage.

[11] For example, Rock The Vote first presented the NMVRF online in 1999. Its current portal has been in place for 12 years.

[12] Elections officials are required to accept and process these forms. *See* 52 U.S.C. § 20508. Even though the NVRA applies only to 44 states and the District of Columbia, *see* 52 U.S.C. § 20503, the vast majority of states accept and process the NMVRF, with only a few exceptions. *See* National Mail Voter Registration Form, U.S. ELECTION ASSISTANCE COMM'N, https://www.eac.gov/sites/default/files/eac_assets/1/6/Federal_Voter_Registration_ENG.pdf, (last visited Dec. 2021).

individuals with disabilities.

Additionally, the EAC can ease the burden on individuals with disabilities who want to access the NMVRF by improving the process by which individuals access their completed NMVRF and providing clear mailing instructions. First, the portal should provide very clear instructions that the process is not finished until the individual prints out, signs, and mails their completed application form. Second, the system should be configured to encourage individuals to either print or download their completed application form immediately, including by providing instructions about how to download and save the completed form onto an individual's own system (with the option of printing later). Third, the EAC should also create a user-friendly format of the paper documents, which can be created and printed out from the system. The completed application form and mailing address should be configured so that they can be printed on a single page, front-and-back; and the state specific mailing address, which is provided for each state as part of the NMVRF instructions, should be pre-populated onto the printed application form. This way, the potential voter does not have to fill in the address of where to mail their form – it will automatically be provided as appropriate for their state. Very clear instructions should be provided on a second page explaining again the need to sign and mail the form, and how to fold and actually mail the form. The systems cited above all provide good models for how to accomplish these steps.[13]

Voter registration remains a prerequisite to participating in the electoral process in nearly every state and territory.[14] The federal government can significantly improve voting access and reduce the burden for many Americans by ensuring that version of the NMVRF that is available on the EAC website is accessible and user-friendly for people with disabilities. We urge the EAC to make these improvements.[15]

Sincerely,

American Civil Liberties Union

Autistic Self Advocacy Network (ASAN)

Demos

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[13] EAC should also make sure the interface is compatible with smart phone technology. A recent study by the Pew Research Center found that 26% of Americans making less than $30,000 per year had a smart phone but no internet access at home. Vogels, E., "Digital divide persists even as Americans with lower incomes make gains in tech adoption" (June 22, 2021), *available at* https://www.pewresearch.org/fact-tank/2021/06/22/digital-divide-persists-even-as-americans-with-lower-incomes-make-gains-in-tech-adoption/ (last visited Dec. 2021).

[14] Only North Dakota does not require voter registration. *See* NMVRF, U.S. ELECTION ASSISTANCE COMM'N, https://www.eac.gov/sites/default/files/eac_assets/1/6/Federal_Voter_Registration_ENG.pdf, (last visited Dec. 2021).

[15] These recommendations are consistent with President Biden's Executive Order No. 14019, Promoting Access to Voting, 86 Fed. Reg. 13623 (Mar. 7, 2021), at § 5(a)(i), accessed at https://www.federalregister.gov/documents/2021/03/10/2021-05087/promoting-access-to-voting.

Disability Rights Advocates

Fair Election Center

National Association of Councils on Developmental Disabilities

National Disability Rights Network (NDRN)

Paralyzed Veterans of America