

Please accept these comments submitted by the Bay State Council of the Blind(BSCB.) The BSCB is the Massachusetts state affiliate of the American Council of the Blind(ACB,) a leading national consumer advocacy organization of blind and low vision people. Our members have print disabilities that prevent them from reading and marking paper ballots. For many years, our organization has advocated for voting systems that allow people who are blind to vote privately, independently and verifiably. In 2016, 2018, and 2020, we conducted surveys of voters with disabilities to assess the accessibility of their voting experience. Our comments are based on the results of these surveys and on our past experience advocating for accessible voting.

The implementation of the 2002 Help America Vote Act(HAVA) allowed states to purchase voting equipment which gave blind and low vision people the option to privately and independently vote. In Massachusetts, the Automark equipment selected provides a touch screen with magnification for voters with low vision, an audio ballot and braille keypad for blind users, and a puff-sip interface for voters who have difficulty holding a pen.

Even as this equipment allows many people with disabilities to vote, it excludes people who are deaf and blind. The equipment is aged and is breaking down. It is time for the Federal government to facilitate the research and funding which will allow states to purchase new equipment.

In 2018, BSCB conducted a survey of its members experiences in voting. Although the majority of respondents talked about the ease of the voting equipment and the extent to which they valued the independence it provided them, a significant number of respondents cited problems such as:

- Told that it would take 20 – 40 minutes for the machine to work
- Had to rely on a poll worker because the machine wasn't working
- Machine broke in the middle of voting
- Machine printer malfunctioned

Yet, there are barriers which exist even before a person with a disability casts a vote. Because there are actions which must be taken before an individual casts a vote and those steps are not always accessible.

A national registration form which must be downloaded, filled out, signed and mailed back to the correct state entity creates several barriers to voting. For a voter who is print disabled or a person with a

manual dexterity disability, potentially insurmountable challenges exist. By taking advantage of the principles of universal design an electronic national registration form can be developed which uses plain language, is fillable online and electronically returnable to the correct state entity. In this manner, this aspect of the voting process meets the criteria of privacy, independence and verification.

The availability of internet or online voting is increasing access to voting. In October 2021, the Massachusetts Disability Law Center and the City of Boston came to an agreement to provide an electronic online voting option for people with a print disability and/or a manual dexterity disability.

(Link to the text of the settlement:

<https://www.dlc-ma.org/wp-content/uploads/2021/09/BAV-Settlement-Agreement-9.8.2021-fully-executed.pdf>)

As a result, people with disabilities were able to vote privately, independently and with verification using their computer, their smart phone or their tablet. Recognizing that some people feel that online voting is insecure, instead of discarding this truly accessible option, we encourage NIST to do the research needed to make sure that this option becomes even more viable.

An important aspect of voting is establishing the voter's identity. Although a written signature is often requested, the reality is that a signature for a person with a print disability or a manual dexterity disability is not reliably the same every time it is written. Voters who are blind may also not be able to locate the place where their signature should go and may not be able to provide an electronic signature. Individuals with motor disabilities may not be able to hold a pen to mark their ballot. For these reasons, it is important that NIST researches and works with stakeholders to identify viable alternatives to a written signature.

As a result of the pandemic legislators and election officials made voting options such as the mail in ballot, drop boxes and curbside voting even more available. To allow more people within the disability community to vote, it is imperative that the accessibility components of all of these options are realized.

The 2020 BSCB survey of voters showed that our members took advantage of many of the newly offered options for voting including early voting. Furthermore, because people with disabilities live in a variety of settings: private homes, residential group homes and long-term care facilities, the availability of

different ways of voting ensures that there will be an option which best allows an individual with a disability access to voting. There should also be allowances for the individual voter or someone close to the voter to be able to drop off the ballot. To insist that the ballot must be dropped off by the person who cast the vote is creating a barrier to voting.

There are voters who value going to their polling site. Since the implementation of the ADA, polling sites are required to be accessible. Best practice for identifying and securing polling sites which are accessible to people with disabilities exists.

Poll workers are crucial to ensuring that the polling site and the voting equipment is accessible. The training for all poll workers should include the legal rights of people with disabilities to vote. To ensure that access is achieved, at least two poll worker should be provided more in-depth training on accessibility and given the responsibility to ensure that when the polling site opens, all aspects of the accessibility features at the polling site are working. Just as important is that a poll worker knowledgeable about access is present while the polls are open.

Just as important is the role people with disabilities have in the entire voting eco system. It's time people with disabilities are included in all aspects of the voting infrastructure and its functioning- as professionals, as poll workers and stakeholders available to provide guidance and feedback. "Nothing about us without us."

Submitted by:

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