

Promoting Access to Voting for Voters with Disabilities Draft Comment Template

Name: Sarah Blahovec

Organization: National Council on Independent Living

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325-6	234-237	Many voters with disabilities may not have private transportation and may have to depend on rides to the polls, public transportation, or paratransit. Some may not have access to adequate transportation to get to the polls, particularly outside of urban areas. This may particularly be the case for people with vision and mobility disabilities, for whom driving is impossible or would require costly customized public transit.	Inclusion of geographic challenges for those who do not have access to private transportation.
8	315	People with all types of motor disabilities may not be able to use a paper ballot. It should be expanded from “manual dexterity”	Change “manual dexterity” to “motor disabilities”
8	317-319	Signing and handling registration forms, and marking, writing in candidates, and handling a paper ballot is impossible for many print disabled voters. There is no acknowledgement that it may not be possible, only that it is “difficult.”	317: Signing and handling a registration form is difficult or impossible for voters with print disabilities 318-319: Marking, writing in candidates, and handling a paper ballot is difficult or impossible for voters with print disabilities.
9	320-322	If voters are required to handle a paper ballot to verify and submit their vote, print disabled voters are denied a private and independent vote.	322: add to end “, and print disabled voters are unable to privately and independently verify and submit their vote.”
9	323	Returning a paper form or ballot is difficult or impossible for voters with motor disabilities, not just difficult for voters with manual dexterity disabilities, particularly if the paths and locations are not accessible	“Returning a paper form or ballot is difficult or impossible for voters with motor disabilities.”
9	331	Design of security solutions do not consider accessibility	Change “may not” to “do not”
9	332-334	Return to hand-marked paper ballots doesn’t just create barriers. That method is wholly inaccessible to print disabled voters.	“The return to hand-marked paper ballots and electronic ballot markers to address security problems with fully electronic voting systems is inaccessible for voters with print disabilities, who are denied their legal right to a private and independent ballot.”
10	329-362	It is illegal when disabled voters are denied their right to	359: “It is disrespectful, stigmatizing, and illegal when

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		vote privately and independently or when they have their request to be aided by someone other than the pollworker be denied.	voters..."
13-14	477-479	Provide guidance, tutorials, or training on creating accessible election resources, such as accessible voter guides or sample ballots. Provide training for election offices on how to use AT and how to test resources such as voter guides and sample ballots to work with several types of AT.	Addition of bullet point on providing guidance, tutorials, and training on creating accessible election resources.
14	494-499	"Vote by mail" should be expanded to include "remote voting options." This section does not acknowledge the existence of electronic ballot delivery/marketing or fully accessible electronic ballot systems (that include verification and return of ballot).	Change vote by mail to vote remotely, and include references to electronic remote voting options.
14	500-501	Voters must have the option to cast their ballot using paper or an accessible voting machine.	Change "voters should have..." to "voters must have."
15	535-548	Ballot-marking devices do not provide for accessible verification and return of ballots, and therefore are not fully accessible to print disabled voters.	"BMDs do not allow for electronic verification and return of ballots, and therefore are not a fully accessible voting option for print disabled voters, who must handle a paper ballot for verification and return. Blind voters are not able to visually verify a paper ballot."
16	565	Additional recommendations for steps the federal government can take to promote voting accessibility	<ul style="list-style-type: none"> - Fund voting accessibility at the same level of voting security within the EAC, NIST, and CISA. - Establish the Office of Accessibility within the EAC to support and oversee state efforts to ensure voter accessibility and serve as a resource for advocates and voters. - Establish a state grant program for the Office of Accessibility to administer that provides dedicated funding to states to ensure voting accessibility. - Fund the National Institutes on Disability, Independent

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			<p>Living, and Rehabilitation Research (NIDILRR) to establish a National Voting Access Research Center to: develop a fully accessible paper-based in-person voting interface; identify and disseminate best practices for accessibility of in-person and remote voting systems; and partner with cybersecurity experts to identify and disseminate best practices for electronic ballot return for accessible remote voting.</p> <ul style="list-style-type: none"> - Fund and create a national resource center on accessible voting to conduct trainings for election officials and poll workers on how to create accessible polling places and provide a private and independent voting experience for voters with disabilities; and to establish a National Voter Accessibility Website to provide accessible resources and track the accessibility of online voter information nationwide.
16	575	<p>Events, conferences, and a community of practice for election officials must include the disability community. The way this is written talks about representatives “from the disability community and/or their advocates.” Nondisabled advocates alone are not sufficient representation from the disability community, and should not be considered a stand-in for disability representation. Additionally, this must include people with several different types of disabilities, as voters with disabilities are impacted in many different ways throughout the voting process and may experience very different barriers.</p>	<p>“These events should include representatives from the disability community. This should include individuals with different types of disabilities, such people with physical disabilities, cognitive disabilities, Deaf or hard of hearing individuals, and blind and low-vision voters.”</p>
21	736-739	<p>Example of California system where voters can download and mark ballot from home, then print, sign, and return the envelope is inherently inaccessible, as it requires voters with disabilities to handle a paper ballot.</p>	<p>Replace this example with an example from a jurisdiction that includes electronic ballot return that does not require the voter to handle a paper ballot.</p>

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22	754-758	Accessibility is vital for people with disabilities, but this section is written in a way that continues to justify inaccessible voting for the sake of security. For voters with disabilities, an inaccessible ballot is inherently not secure, as they are reliant on the assistance of others to cast their ballot and are denied privacy and independence.	Developing accessible and secure methods for future voting. Future research should explore how to continue to securely integrate next-generation technology into the voting process. For example, electronic ballot return is currently necessary to overcome many barriers faced by voters with disabilities when voting remotely. However, it is vital that research improve security to the maximum extent possible for electronic ballot return while maintaining accessibility.
24	833	Long lines of text are inaccessible for people with many different types of disabilities, not just people with manual dexterity disabilities. They may be difficult to follow for people with low vision, and they are often cognitively inaccessible to people with cognitive disabilities.	Change “for those with manual dexterity disabilities” to “for those with disabilities.”
32	1054	Need to include more specific language asserting that some voters with print disabilities are not be able to independently verify and return a paper ballot. This isn’t simply a challenge, it’s an access barrier that denies them a private and independent vote.	Even when voters with disabilities can privately and independently read and mark their ballot, they may face challenges in returning a paper ballot that could prevent their vote from being counted. Voters with print disabilities will not be able to privately and independently read, mark, verify, and return a mailed paper ballot and instead must be able to perform these functions electronically.
32	1067-1071	In states where voters are prohibited from having someone else submit their ballot on their behalf, they are being denied their right to assistance under the Voting Rights Act.	“In addition to violating a voter with a disability’s right to assistance under the voting rights act, this may be especially problematic...”
33	1096	“Remote Accessible Vote By Mail” is not an appropriate name for remote accessible voting, as vote by mail is a system that uses the U.S. Postal Service and utilizes paper ballots. This is not appropriate for systems that allow for electronic ballot verification and return. A more appropriate name would be “Remote Accessible Voting,” as it can encompass a broader range of tools, including	

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		ones that provide for electronic ballot verification and return.	
33	1098	“May suffer from poor design” is vague and does not indicate how NIST reached this conclusion. Clarify to reference accessibility standards.	Remote Accessible voting tools may not meet nationally accepted accessibility standards (WCAG) and may not ensure compatibility with commonly used assistive technology.
33	1100	Remove reference to electronic return of ballot only being available in Utah and Louisiana via fax. There are other jurisdictions in which electronic ballot return is available to voters with disabilities, such as in West Virginia.	Strike “electronic return of the ballot is only available to voters with disabilities in Utah and Louisiana (fax return)” Include “a number of states have been successfully sued to require electronic ballot return be allowed for voters with disabilities to ensure equal access under the ADA.”
33	1105	This section improperly prioritizes security over accessibility. As this report is addressing accessibility, accessibility should be the first concern. Disabled people who are denied a private and independent ballot are being denied their legal rights and are therefore disenfranchised.	Although electronic return methods currently exist that would eliminate access barriers for remote voting, security concerns have been prioritized over accessibility preventing widespread use.
34	1109 1110 1118	Broaden all references to “voting by mail” to “voting remotely including voting by mail.” As discussed above, vote by mail does not encompass systems that provide for electronic ballot return.	Change “voting by mail” to “voting remotely including voting by mail.” Change text box references to “remote voting including voting by mail.”
34	1120	Include accessible remote voting in no-excuse voting.	Allow all voters to vote by mail without an excuse and allow voters with print disabilities to use accessible remote voting.
34	1124-1128	Allow voters with print disabilities to request accessible remote voting when they register.	Allow all voters to request vote by mail when they register and allow voters with print disabilities to request accessible remote voting when they register.
34	1129	Continue to broaden reference to “vote by mail” to “remote voting including a paper vote by mail ballot.”	Allow voters with disabilities to permanently request remote voting including a paper vote by mail ballot. If voters with disabilities can automatically receive their ballot remotely...”
34	1131	Section does not include reference to several states that have permanent vote-by-mail elections for all elections and does not go into enough detail about permanent	A few states conduct all mail elections and all voters including voters with disabilities automatically get a mailed paper ballot. In addition, a number of states have some kind of permanent

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		absentee lists.	absentee list where a blank ballot is automatically mailed to voters on that list. State requirements to get on the permanent absentee list vary, but many voters with disabilities are typically eligible. It is unknown how many of these states offer fully accessible electronic remote voting.
35	1142 1145, 1149	Need to distinguish between paper-based ballots and digital ballots in accessible remote voting.	1142: Ensure access to electronic options for requesting, marking, verifying, and returning ballots as an accessible alternative to paper-based voting by mail. 1145: Provide fully accessible remote electronic voting. By marking, verifying, and casting the ballot at home... 1149: Allow voters to electronically request the blank paper vote by mail ballot or blank digital remote voting ballot.
35	1154	Research is currently being done on electronic ballot return, and options are currently being used in several jurisdictions.	Ensure an accessible electronic return option is available to voters with print disabilities for accessible marking, verification, and casting of the marked ballot. An appropriate federal agency should identify acceptable security protocols for electronic ballot return to ensure voters with print disabilities can verify and cast their vote privately and independently.
39	1269	Remove the reference to assistive technology, as this section is in reference to accessible voting systems, not a voter's personal assistive technology.	When an accessible voting system is unable to scan all the printed selections on a paper ballot and provide that content to the voter in accessible form for verification, voters with disabilities are unable to verify their ballots as required by law.
40	1275	Need to explicitly name access barriers as access barriers, not burdens. This language needs to be straightforward and accurate because when it's reduced to vague language such as "burden" or "challenge," it erases the fact that voters with disabilities have a legal right to a private and independent ballot and that they are being denied that right.	Voters with disabilities encounter additional access barriers to independently casting their paper ballot when voting in person.
40	1277	Voters with motor disabilities beyond manual dexterity	Voters with manual dexterity and other motor disabilities and

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		<p>disabilities may find it difficult or impossible to handle a paper ballot. Also, need to include that it may not just be “difficult,” but “impossible” to handle a paper ballot. Difficult makes it seem like it is an option with additional challenges, while impossible means that it is fully inaccessible.</p>	<p>those who are blind and low vision have indicated it is difficult or impossible to independently feed the paper ballot into the ballot scanner.</p>
40	1283	<p>Section should be “recommendations for in-person voting technology,” and the focus should be on ensuring that the legal right to a private and independent ballot is being upheld.</p>	<p>1283: “Recommendations for In-Person Voting Technology.” Text box: “Ensure accessibility for verifying and casting ballots.”</p>
40	1290	<p>Replace recommendations with recommendations that focus on ensuring accessibility for verifying and casting paper ballots for in-person voting:</p>	<ul style="list-style-type: none"> - Ensure the paper ballot output of an accessible voting system can be read by scanners and tabulators for vote verification and counting. A BMD with an encoding mechanism (such as a QR code) that allows the printed ballot to be tabulated typically uses that same encoding mechanism to provide accessible verification of the marked ballot content. When BMD produced ballots can be tabulated, there is no need for election officials to remake ballots or count them separately from other ballots (usually hand-marked). Ensuring that BMD produced ballots can be directly counted by tabulators preserves the voters’ rights to ballot privacy and may increase efficiency on election day in counting votes. - Ensure the accessible voting system has a mechanism that scans the vote content of the marked ballot and presents it to the voter for verification allowing the voter to use the same access features to verify as they used to mark the ballot. The entire voted ballot content must be presented for verification including

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			<p>voted write-in text. All access features available to mark a ballot (audio-tactile, enhanced visual display, switch input control, etc.) must be available for ballot verification.</p> <ul style="list-style-type: none"> - Ensure the accessible voting system has an automatic paper-handling mechanism that eliminates the need for a voter to manually handle a marked paper ballot for verification and casting. All access features available to mark and verify a ballot (audio-tactile, enhanced visual display, switch input control, etc.) must be available for ballot casting.
43	1384	Many voters with disabilities do not even know about the option of curbside voting, as election offices often do not publicize this option in their voter education material, and information on it can be difficult to find on an election office’s website, especially if that website has access barriers.	Include: Information on how to use curbside voting is not included in voter education materials and is difficult to find or nonexistent on election websites.
46	1493-1495	Need to ensure that election officials provide voters with mechanisms to request assistance with curbside voting that do not require the voters to bring a phone or person who can alert poll workers.	If a poll worker cannot be dedicated to curbside voting, this should include options to alert a poll worker that they have arrived at the curbside voting area or if they need assistance, which do not rely on the voter bringing a phone or person who can alert the poll workers for them.
46	1476	Include that election offices should publicize curbside voting in their voter education materials and on their website.	Election offices should publicize how to use curbside voting in their voter education materials and on their website.
50	1615-1616	Poll workers should be trained on how to use accessible voting machines with hands-on trainings that actually require the poll worker to use the equipment. Many times, poll workers are only given written instructions on how to use the machine and are not actually walked through	Include: ensure that poll worker training involves hands-on scenarios with the polling equipment. Poll workers should be walked through how to use the accessible features and have the opportunity to cast a fake ballot to experience the voting process of using accessible voting equipment.

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		using the equipment, and when they need to assist people with disabilities on how to use the features of the machine, they don't know how to do so. This could be improved if poll workers actually have hands-on training with the equipment and are taken through a scenario in which they cast a (fake) ballot.	