



November 22, 2021

James K. Olthoff
Director
National Institute of Standards and Technology
100 Bureau Drive
Gaithersburg, MD 20899

Dear Director Olthoff:

The National Federation of the Blind appreciates the opportunity to provide comments on the Draft *Promoting Access to Voting: Recommendations for Addressing Barriers to Private and Independent Voting for People with Disabilities* Document (NIST-2021-0005-0001) published on October 21, 2021. Below are our comments denoted by line number. Specific edits to the text are in brackets. Our comments regarding a specific topic are noted beneath quoted line text.

Comment 1: Edit Line 187

5. Accessibility and cybersecurity must work together [and security must not come at the expense of accessibility].

Comment 2: Line 297

“Web information on where to vote, what forms of identification are accepted, voter guides, and accessibility and language options, often do not fully meet ADA accessibility requirements.”

Yes, websites must comply with WCAG 2.1 Level AA and downloadable voter information documents should be provided in alternate formats such as BRF for braille and large print.

Comment 3: Edit Line 318

Marking, writing-in candidates, [verifying,] and handling a paper ballot is difficult for voters with print disabilities.

Comment 4: Line 320

“While accessibility of voting machines to mark, verify, and cast a paper ballot is improving in newer designs, voters with disabilities often need to still handle a paper ballot to verify and submit their vote.”

Currently the majority of ballot marking devices in use do not enable a blind voter to independently verify their printed ballot. Significant improvement needs to be made in this area.

Comment 5: Line 349

[Barriers exist for voters with disabilities to obtain] a driver’s license or state identification.

Comment 6: Line 367

The voting process may improve for voters with disabilities if guidelines and requirements currently in national laws are consistently applied across the country. Relevant national laws, [rules, court decisions,] and guidelines include:

Comment 7: Line 384

In some states there are other relevant state laws for accessible forms, information, and online materials [that reference WCAG 2.1 Level AA.]

Comment 8: Line 393

Create repositories of guidance and open-source tools for monitoring compliance with applicable [laws, rules, policies, court decisions and] guidelines and that help election officials determine if requirements are met.

Comment 9: Line 487

“When multiple options exist to vote, voters with disabilities can pick the option best suited to their needs and situation. Importantly, all methods of voting must be accessible; it is not sufficient to provide only one accessible method.”

Important to note that all parts of the voting process also must be accessible from the check in process, marking, verifying and casting a ballot.

Comment 10: Line 500

How to cast their ballot in-person. Voters [must] have the option to cast their ballot [as voters without disabilities] using paper or using an accessible voting machine [are options available for use by all voters]. Both options should have accessibility features such as, but not limited to, magnification devices for paper, physical accessibility for voting system stations for voters with mobility disabilities, and adjustable heights for voting system stations. As discussed earlier, VVSG 2.0 has a comprehensive list of accessibility requirements, in particular, for accessible voting machines and ballot scanners.

Comment 11: Line 509

“Whether to use an electronic option. Increase availability of electronically accessible options for voter information, registration, and other parts of the process. This includes creating accessible PDFs and fillable forms that work with current technology, including AT and mobile devices.”

Accessible HTML web forms are preferable to accessible PDFs.

Comment 12: Add bullet above line 509.

[An accessible way to vote by mail must be provided so voters with disabilities can privately and independently mark and return a by-mail ballot required by Title II of the Americans with Disabilities Act.]

Comment 13: Add bullet below Line 565

[Increase staff levels at federal agencies EAC, NIST and CISA so that accessibility is addressed in a manner that parallels with security. In addition, increase funding at agencies such as the EAC so that resources are available to ensure that every step of the voting process is accessible for both in-person and remote voting. Office of Accessibility needs to be added within the EAC to ensure accessibility in all phases of in-person and remote voting is fully addressed.]

Comment 14: Add bullet below Line 736

[Currently 31 states allow UOCAVA voters to return ballots electronically while only six states permit this same feature to voters with disabilities. In 2020, federal courts in Massachusetts and North Carolina ordered those states to allow voters with disabilities to return their ballots electronically given that UOCAVA voters were already returning their ballots electronically.]

Comment 15: Line 754

Any future research into security must also address accessibility.

Comment 16: Line 822

Accessible HTML web form is superior to a fillable PDF because they are easier to navigate with a screen reader, downloading is not required and printing is also not required as they can be submitted online.

Comment 17: Line 829

“Online voter registration systems can be difficult to use, especially with assistive technology.”

An online registration form that complies with the WCAG 2.1 Level AA can be easily navigated and completed with a screen reader or any other access technology.

Comment 18: Line 1054

As addressed in an earlier comment, an accessible way to vote by mail must be provided so voters with disabilities can privately and independently mark and return a by-mail ballot required by Title II of the Americans with Disabilities Act.

Comment 19: Line 1093

Options may be limited but that is because state laws limit them. Security concerns are not paralleled with accessibility holding back many opportunities. There are at least six electronic ballot marking and returning systems used over several years. Two of these systems permit electronic return within the system. Other vendors are in the process of incorporating electronic return into their ballot delivery system and the number of options for RAVBM will surely increase over time. Denying voters with disabilities the ability to return their ballot electronically does not validate security concerns.

Comment 20: Line 1105

Denying voters with print disabilities the ability to return their ballots electronically does not address security concerns but does force them to rely on someone to mark their ballot and trust that the ballot is marked as instructed which is a security concern itself.

Comment 21: Line 1125

“For example, states may expand use of the Federal Post Card Application for UOCAVA voters to voters with disabilities,”

This recommendation is not accessible for voters with a print disability.

Comment 22: Line 1131

“Five states and Washington D.C. allow any voter to request to be added to a permanent list to receive a vote by mail ballot.”

This process must provide an accessible way to request a ballot and an accessible way to mark and return a ballot.

Comment 23: Line 1142

Requesting a ballot must be accessible as well as marking and returning a ballot.

Comment 24: Line 1154

Currently there are not any federal guidelines to ensure security for RAVBM systems and these guidelines need to be developed. As well as best practices need to be identified.

Comment 25: Add bullet below Line 1230

[Creates a separate and unequal voting system for voters with print disabilities.]

Comment 26: Line 1266

Of the ballot marking devices most commonly found in polling places, only three allow voters to verify their printed ballot and two of those are only available in California.

Comment 27: Line 1269

Ballots that include only the voter’s selections can be read using an optical character recognition app on a smart phone however most states have laws that prohibit taking a photo of a ballot at the polling place.

Comment 28: Line 1272

The need to transfer votes to a scan able ballot is not an issue with ballots printed on ballot marking devices at a polling place, this is an issue with ballots printed at home. All ballots produced by BMDs can be inserted into a scanner, while most currently available tabulators cannot accept printer paper.

Comment 29: Add bullet after Line 1452

[Ballot Marking Devices need to be offered to all in-person voters with or without a disability. By offering the option to all in-person voters, poll workers will be more familiar with the devices, these devices will be set up and operational from the time the polls open, and by having voters without disabilities utilize the BMDs, will provide the secrecy of the ballot for voters with disabilities.]

Comment 30: Line 1688

“It [BMD] is accessible throughout the process of marking, verifying, and casting the paper ballot.”

This is not entirely true. The verification process of most BMDs for blind voters is inaccessible.

Comment 31: Line 1691

“The VVSG 2.0 guidance ensures that any BMD can be used by voters with disabilities without assistance since the accessibility features are intrinsic to the device and include visual, enhanced visual, and audio formats and interactions modes that include touch and support for limited dexterity.”

VVSG 2.0 does not ensure that BMDs are accessible for deaf-blind voters.

Comment 32: Line 1707

Some systems even have the capability to return the ballots electronically from within the system.

The National Federation of the Blind understands the importance that free, fair, and accessible elections are the core of American democracy. Furthermore, we know that with the above edits incorporated, this report will help outline accessibility requirements for polling places and systems across the country and ensure that every American can exercise their right to vote.

Sincerely,

A handwritten signature in black ink that reads "Mark A. Riccobono". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Mark A. Riccobono, President
National Federation of the Blind