



Let People With Disabilities Vote:

Recommendations to Improve Access to Voting By Mail

Due to the COVID-19 health crisis, many states are rightly expanding opportunities to vote by mail. For many voters with disabilities, voting by mail is preferable to voting in person because it allows them to avoid the challenges of getting to the polls, waiting in line, and facing physical barriers at the polling place. Indeed, for people whose disabilities make them more susceptible to COVID-19, voting by mail may be the only feasible option. However, for other voters, particularly those with “print disabilities,”¹ an all-mail voting system can present significant barriers.

A voting system is not accessible if it does not allow voters with disabilities to vote privately and independently (e.g., without assistance from another person). Many people with print disabilities cannot vote privately and independently on paper mail-in ballots. To help resolve this, election administrators should: (1) make voting by mail more accessible for *all* voters with disabilities; and (2) maintain in-person voting options that allow voters with print disabilities to use accessible voting machines to magnify, ‘voice,’ and mark their ballots.²

Over 35 million Americans who are eligible to vote have disabilities.³ The Centers for Disease Control & Prevention have identified numerous underlying medical conditions that render individuals at high risk for severe illness from COVID-19.⁴ All of these conditions constitute disabilities under federal law.

¹ “Print disabilities” is a term that encompasses disabilities that make it difficult or impossible to access standard printed text. These include blindness or visual impairments, physical disabilities that limit manual dexterity (e.g., cerebral palsy, hand tremors, quadriplegia), and certain learning disabilities.

² To be clear, unless they have other disabilities or underlying conditions that render them at high-risk for severe illness from COVID-19, most voters with print disabilities would be able to vote in-person, provided that accessible early voting centers and polling places remain open and are maintained in a manner that reduces the potential for COVID-19 transmission. But like any other voter, voters with print disabilities may be concerned about exposure to coronavirus and thus prefer to vote by mail if an accessible remote voting option is available.

³ See DISABILITY RIGHTS CALIFORNIA, *Voters with Disabilities* (Jul. 2016) <https://www.disabilityrightscalifornia.org/system/files?file=file-attachments/541201.pdf>.

⁴ CENTERS FOR DISEASE CONTROL & PREVENTION, *People of Any Age with Underlying Medical Conditions* (last updated Jun. 25, 2020), https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-medical-conditions.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fneed-extra-precautions%2Fgroups-at-higher-risk.html. This list includes people with kidney, lung, heart, liver, and immune system disorders, among others.

The Americans with Disabilities Act and the Help America Vote Act make clear that **voters with disabilities have the same right to a private and independent ballot as everyone else.**⁵ Voters with disabilities must be able to mark, verify, and cast their ballots privately and independently, even if they choose to vote by mail.⁶

This document outlines recommendations for how states can make voting by mail more accessible in pursuit of the goal that voters with disabilities can vote on a fair and equal basis. Importantly, states must also continue to make safe, in-person voting options available to the greatest extent possible, so voters can vote privately and independently using the assistive technology provided at polling places and early voting sites.⁷

Measures That States Can Implement Immediately:

- **Allow All Voters to Vote By Mail** – In states that currently do not already allow all voters to vote by mail, officials should relax “excuse” requirements so that *all* voters can vote safely from their homes, at least for the duration of the pandemic.
 - Voting by mail is the safest solution for holding an election during this pandemic for most voters; however, as described below, there are significant improvements that must be made to make voting by mail more accessible.
 - States should automatically send ballots to all registered voters, rather than maintaining a more complex “opt-in” system for voting by mail, where voters must request a ballot.

- **Allow Ballot Requests to be Made Online** – If sending ballots automatically to all registered voters is not possible and a state maintains an opt-in mail voting system, *all*

⁵ To meet their obligations under the Americans with Disabilities Act, election officials must “furnish appropriate auxiliary aids and services where necessary to afford individuals with disabilities . . . an equal opportunity to participate in, and enjoy the benefits of” the voting system. 28 C.F.R. § 35.160(b)(1). Further, the Help America Vote Act requires voting systems to “be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters.” 52 U.S.C. § 21081(3)(A).

⁶ States use different terms, such as “vote-by-mail” and absentee voting. For consistency and clarity, this document avoids use of these terms. “Vote-by-mail” specifically refers to state voting systems where all voters receive a ballot in the mail without having to affirmatively request one; thus far only Colorado, Hawaii, Oregon, Washington state, and Utah have adopted vote-by-mail systems permanently. “Absentee voting” regimes, on the other hand, allow for voting by mail by some or all eligible voters but require voters to apply for a mail-in ballot. Despite the different terminology and details, these systems have similarities and the recommendations included in this document could be used to improve the accessibility of any mail voting system

⁷ While most voters should be encouraged to vote by mail during this pandemic, it is important to continue to offer safe, in-person voting options. Late registrants, some people with disabilities, people who speak languages other than English, and people who do not receive residential mail service may require in-person voting options. More specific information about keeping polling places or early voting sites safe can be found on [the CDC’s website](#). States should also review [manufacturer instructions](#) to ensure that voting machines do not get clogged with hand sanitizer.

voters should be allowed to request mail-in ballots through an online, accessible portal.

- By providing an accessible option to request a ballot online, jurisdictions can reduce the number of steps and time commitment required to vote by mail. This will provide much broader access for voters with disabilities. An online ballot request portal will benefit voters who do not have easy access to postal services, who are in self-isolation or quarantine, or who use assistive technologies to read and write.
 - States that do not have the technology infrastructure to quickly create a web-based request system should make it easier for voters to request ballots via other means, such as email.
 - States that already have an online ballot request portal should eliminate any requirements that voters must have state-issued identification (such as a driver's license or state ID) to use that system, since many voters with disabilities lack these forms of identification.
- **Allow Electronic Marking of Ballots** – Jurisdictions should adopt Remote Accessible Vote By Mail (RAVBM) systems, which allow voters with print disabilities to receive their ballots electronically in order to read and mark them on an accessible interface.
 - By adopting RAVBM systems, jurisdictions can make it possible for voters with print disabilities to vote from the safety of their homes, subject to resource limitation (such as printer access).⁹
 - Jurisdictions should ensure that electronically-transmitted ballots are formatted for use on laptops, phones, and tablets and compatible with commonly-used assistive technology as screen readers, input devices, digital magnification, and speech-to-text software.

⁸ Electronic ballot marking is not equivalent to online voting. Online voting would involve casting and submitting a completed ballot over the internet; currently-available online voting options cannot guarantee a valid and secret vote. While an electronic ballot marking system allows voters to receive their ballots via an electronic interface, the voted ballots need not be submitted electronically. Once completed, the ballots can be printed out and mailed back to the local election office.

⁹ Jurisdictions can expand and adapt electronic ballot delivery systems adopted to comply with the Military and Overseas Voters Empowerment (MOVE) Act for voters covered under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) so that these systems can also be used by voters with print disabilities. The MOVE Act amended UOCAVA (Public Law 99-410) to, among other things, require states “to establish procedures to transmit, by mail and electronically, blank absentee ballots to absent uniformed services voters and overseas voters for federal elections.” Kevin J. Coleman, *The Uniformed and Overseas Citizens Absentee Voting Act: Overview and Issues*, CONGRESSIONAL RESEARCH SERVICE at 4 (Oct. 4, 2012), <http://web.mit.edu/supportthevoter/www/files/2013/08/CRS-Report-on-UOCAVA.pdf>.

- RAVBM systems typically deliver ballots via email¹⁰ or via a secure, accessible web portal.¹¹ After downloading and marking the ballot on their personal device (using whatever assistive devices are available to them), a voter can then print and mail their voted ballot to election officials.
- **Waive Signature Match Requirements for Voters with Disabilities** – Signature match requirements disproportionately disenfranchise voters with disabilities.¹² States should waive signature matching requirements if a voter (or their assistor) certifies that the voter has a disability, illness, or other condition that makes it difficult for them to consistently sign their name.
 - Some states allow voters with disabilities to use signature stamps or alternative indications of their signature.¹³
- **Eliminate Witness or Notarization Requirements for Voting By Mail** – Some states require voters who are voting by mail to have their ballot envelopes notarized or signed by witnesses.
 - Jurisdictions should eliminate, or at least temporarily suspend, any requirement that a voter be in close physical proximity with any other person — which could conflict with social distancing recommendations — in order to cast a valid ballot.
- **Provide Virtual Training for Election Workers on How to Provide Accommodations** – Allocate funding for virtually training election officials on how to serve voters with disabilities and to help them have a dignified voting experience.
 - Election officials and poll workers should know how to help voters with disabilities navigate state election websites and forms as well as help them access RAVBM systems and other available accommodations.
 - Election officials and poll workers should be educated on how to respectfully interact with voters with disabilities, whether in person, over the phone, or via electronic communications, to provide helpful information and services without infringing on their privacy, independence, or rights.

¹⁰ See, e.g., OHIO SECRETARY OF STATE, *Application for Absent Voter’s Ballot by a Voter with a Disability & Request to Use Remote Ballot Marking System*, <https://www.ohiosos.gov/elections/voters/11-g/>.

¹¹ See, e.g., OREGON SECRETARY OF STATE, *Voting Instructions for Voters with a Disability*, <https://sos.oregon.gov/voting/Pages/instructions-disabilities.aspx>.

¹² Signature match requirements typically require election officials to compare the signature on a ballot envelope against the voter’s registration record. The comparison is often conducted in an unscientific and inconsistent manner and voters may not have a meaningful opportunity to “cure” the defect before their valid ballot is discarded. Voters with disabilities tend to have their ballots discarded at higher rates than other voters. See generally, Lila Carpenter, *Signature Match Laws Disproportionately Impact Voters Already on the Margins*, ACLU (Nov. 2, 2018), <https://www.aclu.org/blog/voting-rights/signature-match-laws-disproportionately-impact-voters-already-margins>.

¹³ See, e.g., OREG. REV. STAT. § 246.025.

- Election officials should appropriately staff their phone lines to be able to answer questions from voters about accessible remote voting options; their training should include how to work with relay operators for people with speech disabilities who use this service.
- **Broadly Advertise Accessible Voting Options** – For accessible voting options to have maximum impact, their availability should be widely advertised to all voters.
 - Jurisdictions should contact all voters to inform them about their voting options and any accessibility features, using all means reasonably available to connect with voters, including emails, mailings, phone calls, and text messages.
 - Election officials should partner with state and local advocacy organizations that work closely with voters with disabilities, such as the Protection & Advocacy organization and local Centers for Independent Living, to consult on their election plans and to disseminate information about accessible voting options.

Measures States Can Work Towards Implementing in the Medium to Long Term:

- **Ensure Accessible Election Websites** – State websites with election information should comply with Level AA of the [Web Content Accessibility Guidelines 2.0](#) of the Web Accessibility Initiative (or any successor guidelines). Most states still do not meet this standard.
 - States should contract with competent vendors specializing in website accessibility to update their websites. The best vendors conduct ‘user testing’ as part of their accessibility work, assessing the website with help from people with diverse disabilities using diverse assistive technologies.
 - Key website components to assess for accessibility are:
 - the online voter registration portal and registration form (if online registration is available);
 - information about voting procedures, including eligibility and key dates;
 - the mail ballot application form (or online request portal, if one is available); and
 - information about candidates and ballot initiatives, including sample ballots.
- **Print All Ballots in Large-Print Format** – Making only *some* ballots large print makes it easier to identify who has voted with what ballot, which compromises election security and voter privacy.

- American Council of the Blind has put forward [recommendations](#) for maximizing readability when designing large print documents.
 - States should also follow [guidelines](#) published by the Center for Civic Design to format ballots to be more readily usable by voters.
- **Develop Improved Ballot Tracking Systems** – Through well-designed ballot tracking systems, all voters (including voters with disabilities) and election officials can securely and effectively track the status of ballot requests, delivery of mailed ballots, and whether voted ballots have been properly returned.
 - Some jurisdictions, such as Denver County, Colorado, already have systems to track ballot envelopes through Intelligent Mail Barcodes linked to the U.S. Postal Service. Barcodes also allow election officials to identify and eliminate duplicate ballots.
 - States should create systems that allow *voters* to easily keep track of whether their voted ballot was received and counted. This could be accomplished by mailing, calling, or emailing a voter to let them know the status of their voted ballot or through the creation of an online portal¹⁴ that allows a voter to track their returned ballot.
- **Mail All Voters a Pre-Addressed, Pre-Stamped, Self-Sealing Return Ballot Envelope** – Many voters with disabilities may not have access to mailing envelopes or postage stamps, especially during a pandemic.
 - Voters with disabilities who are using a RAVBM system should also be mailed a printed ballot with a return envelope. If the voter has difficulty using the RAVBM system, they can vote (with third-party assistance, if available) on paper.
 - By providing a postage pre-paid return envelope by mail, jurisdictions can track ballots while ensuring that the enclosed vote is not traceable to a specific voter. This will also help ensure that a lack of mailing envelopes and postage stamps will not pose barriers to voting.
 - If possible, jurisdictions should provide ballot return envelopes that are self-sealing so that voters do not seal them by licking.
 - Ballot packages should include clear instructions that indicate alternative options for casting a ballot, such as how to access the jurisdiction’s RAVBM system.

In summary, election administrators can take action now and in the near-term to dramatically improve the voting experience of voters with disabilities, even during the COVID-19 pandemic. Voting by mail should be an accessible option for all American voters in the 2020

¹⁴ For example, a number of California counties have adopted a system that allows voters to receive notifications about the status of their ballot. See CALIFORNIA SECRETARY OF STATE, *Where’s My Ballot?*, <https://www.sos.ca.gov/elections/ballot-status/wheres-my-ballot/>.

general election, so that all citizens, including those with print disabilities, can vote privately and independently from the safety of their homes.

Voting rights are disability rights. Let people vote.