# National Federation of the Blind: A Guide for Blind and Low-Vision Voters

## The Help America Vote Act

The Help America Vote Act (HAVA) was signed into law on October 29, 2002 to address the problems that occurred during the 2000 presidential election. One of the goals of HAVA is to provide all American voters, including those who are blind or low vision, with the opportunity to vote both privately and independently. Therefore, HAVA requires that by January 1, 2006, all voting jurisdictions must provide at least one accessible voting machine per polling place and that any voting machines purchased with federal funds provided under HAVA on or after January 1, 2007, must be accessible.

## Your Right to Vote Privately and Independently

Prior to the passage of the Help America Vote Act (HAVA) in 2002, voters who were blind or low vision had to rely on sighted assistance to mark their ballot. HAVA has enabled voters with disabilities to fully exercise the fundamental right to vote privately and independently by requiring that every polling place have at least one accessible voting system for all federal elections. In addition, many states have enacted legislation to require at least one accessible voting system in each polling place for all state and local elections.

In recent cases involving the right of voters with print disabilities to mark a paper absentee or by mail ballot privately and independently, the Federal Courts of Appeals for the Fourth Circuit (*Nat’l Fed’n of the Blind v. Lamone*, 813 F.3d 494, 506 (4th Cir. 2016)) and Sixth Circuit (Hindel v. Husted, 875 F.3d 344, 349 (6th Cir. 2017)) found that Title II of the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act requires that voters with disabilities must be provided an opportunity to exercise their right to vote that is equal to the opportunity provided voters without disabilities. This means that blind, low vision, and other voters with print disabilities must be able to mark their absentee ballot privately and independently at home as voters without disabilities are able to do. In addition, cases brought in Massachusetts in 2020, and in North Carolina in 2021 found that when a state permitted military and overseas voters to return their marked ballot electronically, voters with print disabilities must be afforded the same opportunity. Also, a number of states have passed legislation to permit voters with disabilities to receive and return their by mail ballots electronically.

## Why Blind Americans Should Vote

“Our American heritage is threatened as much by our own indifference as it is by the most unscrupulous office or by the most powerful foreign threat. The future of this republic is in the hands of the American voter." President Dwight D. Eisenhower.

The right of blind Americans to vote is guaranteed by the United States Constitution. It is a right that many American citizens have demonstrated for, fought for, and died for so that present and future generations can continue to exercise their right to vote. Therefore, every blind or low vision citizen who is of voting age has a responsibility to exercise the right to vote.

Voting in any election, local or national, provides blind and low vision citizens with the opportunity to voice their opinion about elected leaders and policies and to help shape the future by electing candidates who share their views. Elected officials make decisions and pass legislation that establish the maximum income a blind person can earn while still receiving social security disability benefits, the health benefits blind citizens receive under Medicare and Medicaid and have the power to eliminate sub minimum wages for workers with disabilities. Consequently, voting for candidates who share their views on these issues is one of the most effective ways that blind and low vision citizens can influence policy and legislation addressing these issues.

When a citizen does not vote, they are giving away their right to influence our government and, as a result, government by the will of the majority is replaced with government by the will of the minority. During the presidential elections of 2016 and 2020, 60 percent and 67 percent, respectively, of voting age Americans cast ballots. The 2020 voter turnout was the highest yet recorded for the 21st century. However, during the midterm election of 2014, only 36 percent of the voting age population voted, the lowest voter engagement since World War II. This statistic increased to fifty-three percent for the 2018 midterm election. It is vital that blind and low vision Americans of voting age exercise their right to vote so that government by the will of the majority is assured.

## How Does a Blind Person Vote?

Blind and low vision voters may cast their ballot at their local polling place on Election Day, by voting at an early voting center, or completing an absentee ballot prior to Election Day. Most of the accessible voting systems in use today at the polling place or early voting center use a touch screen where voters can view the ballot and make selections. They also include an audio ballot, as well as large print and other low vision features to enable blind and low vision voters to vote privately and independently. These systems are designed to be easy to use, so no need to worry if you are not a techie! Visit the [voting resources webpage](https://nfb.org/resources/voting-resources) on the National Federation of the Blind website for videos demonstrating the accessibility features of the most commonly used accessible voting systems.

The speech of the audio ballot may be either synthesized or a recorded human voice. Headphones are connected to the voting system so that only the voter can hear the ballot. A user interface with buttons or a telephone style keypad is used by the voter to go through the ballot contests and make selections, as well as to increase or decrease the speed and volume of the audio. Instructions at the beginning of the ballot tell you what buttons to push to move through the ballot and make selections. Voters with low vision can enlarge the print displayed on the touch screen and change the contrast to make the print easier to read. Voters with low vision make their selections simply by touching the screen.

Before Election Day arrives, it is always a good idea to take an opportunity to practice voting, particularly if you are a first-time or new voter. Invite a representative from your local board of elections to a meeting of your local NFB chapter or to your school to demonstrate the accessible voting machine and allow voters to practice voting. This way, when Election Day arrives, you will be able to concentrate on making your selections without being distracted by trying to figure out how to operate the voting system.

All states offer voters an absentee or vote by mail option. The rules regarding who can vote absentee or by mail vary by state. Some states permit all voters to vote by mail, while some states require that a voter have an excuse, such as being out of town on election day, to vote absentee. In general, state election law permits blind and low vision voters to vote in any election by absentee ballot.

Historically, voting by mail for a blind voter has consisted of receiving a paper ballot in the mail, and then relying on a sighted assistant to mark the ballot. Consequently, voting by absentee ballot is usually neither a private nor an independent way to vote for many blind and low vision voters. However, the absentee or by mail voting program offered by states must comply with Title II of the ADA, and Section 504 of the Rehabilitation Act, and states must provide an accessible vote-by-mail system for all elections that enables blind and low vision voters to mark and return their by mail ballot privately and independently using their own access technology. Accessible vote-by-mail systems typically consist of a web portal that complies with Level AA of the Web Content Accessibility Guidelines (WCAG). Once the ballot has been marked, it can be either printed and mailed to the local board of elections, or in some states, returned electronically to the local elections office, where it is printed and counted. Check with your state or local board of elections to find out if accessible vote-by-mail is available to voters with disabilities in your state.

A survey conducted by the National Federation of the Blind following the November 8, 2022, midterm election indicates that blind voters are exercising their right to cast a private and independent ballot. Out of 405 survey participants, 77 percent indicated they cast their vote at the polls, and 23 percent indicated they cast their vote through an absentee or by mail ballot.

## Register to Vote

In order to exercise the right to vote, a blind or low vision citizen must first register with their state or district board of elections. To register, an individual must:

* Be a United States citizen
* A resident of the state or district in which they are registering, and
* At least eighteen years old

Many states have additional requirements that must also be met. Registration forms can be obtained from your state, district, or local board of elections, libraries, government offices, and on the internet at https://www.eac.gov/voters/register-and-vote-in-your-state/. Registering only takes a few minutes, so be sure to exercise your right and responsibility as a citizen by registering to vote and voting!

## Resources

Your state, district, or local board of elections has voter registration forms and information about polling place locations and times, identification requirements, voting procedures, and voting machines. A nonpartisan organization, such as the League of Women Voters, can provide factual information about candidates and tips on how to be politically effective. If a properly functioning accessible voting machine is not available at your polling place for a federal election, file a complaint with your state board of elections or Secretary of State. You can also file a complaint with the US Department of Justice at [www.ada.gov](http://www.ada.gov), as well as with your state protection and advocacy agency.

## Make Your Voice Heard

The United States Constitution guarantees the right of all blind and low vision citizens to vote and the exercise of this right is vital to the function of our democratic form of government. With the passage of HAVA and the ADA, it is now possible for blind and low vision citizens to exercise their right to vote both privately and independently. Making your voice heard through voting is imperative because state and federal elected officials implement policies and pass legislation that directly affect our lives as blind or low vision people. Make your voice heard - register to vote and exercise your right and responsibility to vote!



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