**AMERICANS WITH DISABILITIES VOTING RIGHTS ACT**

***Issue--The constitutionally protected right to vote that is available to all Americans is inaccessible for blind Americans.***

**Current federal election law does not reflect the guarantee of equal access to voting for people with disabilities that is codified in Title II of the Americans with Disabilities Act (42 U.S.C. §12132).** The Help America Vote Act (HAVA) ensures that polling locations for federal elections have at least one voting system accessible to individuals with disabilities.[[1]](#endnote-1) However, the ballots produced by many of the accessible voting machines are different in size and content from the hand marked ballots, resulting in a lack of secrecy when only voters with disabilities use the accessible machines.

**Untrained poll workers, voting machine malfunctions, and the lack of accessible voting machines in polling places prevent blind and low-vision voters from fully exercising their right to vote.** The blind and low-vision voter survey conducted by the National Federation of the Blind following the 2020 general election[[2]](#endnote-2) found that 27 percent of blind and low-vision voters who voted using an accessible voting machine said the machine was not set up and operating when they arrived at the polls. One-quarter of the voters who completed the survey in 2020 said that poll workers had problems setting up or operating the machine. Fifteen percent of survey respondents in 2020 who marked their ballot using an accessible machine said that poll workers did not provide clear instructions on how to use the machine.

**Paper absentee ballots cannot be completed privately and independently by blind voters.** An accessible way for blind, low-vision, or other print-disabled voters to privately and independently mark their ballots must be provided, as required by Title II of the Americans with Disabilities Act (ADA), and affirmed by federal courts.[[3]](#endnote-3), [[4]](#endnote-4) However, blind and print-disabled voters cannot mark and submit a paper absentee or vote-by-mail ballot privately and independently. For the 2020 general election, only twenty-six states provided an accessible way for blind voters to mark an absentee ballot.[[5]](#endnote-5)

**Paper voter registration and absentee ballot request forms are inaccessible to blind voters.**

Due to the inherent inaccessibility of paper forms, blind and low-vision voters mustcompletethese forms with assistance. In addition, many online versions of these forms are inaccessible with screen-access technology. A 2015 report by the American Civil Liberties Union found that in 2014, only one state had an online voter registration form that was fully accessible.[[6]](#endnote-6) Additionally, a 2020 audit of online absentee ballot request forms by Deque Systems found that forty-three states had forms that were not fully accessible.[[7]](#endnote-7)

***Solution--Americans with Disabilities Voting Rights Act will:***

**Ensure that in-person voting is accessible for blind and low-vision voters, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters.** Registering to vote and voting must require the exclusive use of accessible and universally designed processes, including electronic ballot marking devices for all voters. Ballot marking devices require the same security that other forms of voting require to ensure the process is safe and fair, and the use of ballot marking devices at polling locations allows blind and print disabled Americans to submit their ballots both privately and independently.

**Require the education of state and local election officials and poll workers in the setup and operation of the machines, including accessibility features.** At a minimum, poll worker training should include instruction on how to navigate through the audio ballot, how low-vision features operate, and how to address potential problems with the nonvisual election technology on Election Day.There must be enough in-person voting locations to make it practical and reasonable to use this option. In addition, it is equally important to ensure that the process for registering to vote is nonvisually accessible (including certification and signature requirements).

**Require that vote-by-mail ballots and related voting materials (including voter registration) in elections must be accessible for blind and low-vision individuals**. It is important to establish that the process for requesting, filling out (including certification and signature requirements), and submitting a vote-by-mail ballot is nonvisually accessible, including electronic ballot delivery and return. Offering an accessible electronic ballot delivery system can provide these voters with an equal opportunity to mark their ballot privately and independently at home using a computer and their own access technology.

**GOAL--ALL METHODS OF VOTING, INCLUDING REGISTRATION, MUST BE ACCESSIBLE TO BLIND AND LOW-VISION CITIZENS.**

**Cosponsor the Americans with Disabilities Voting Rights Act when introduced.**

**For more information, contact:**

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1. U.S. Election Assistance Commission. Help America Vote Act. January, 2021. https://www.eac.gov/about\_the\_eac/help\_america\_vote\_act.aspx. [↑](#endnote-ref-1)
2. Based on a survey conducted by the National Federation of the Blind. (Unpublished) [↑](#endnote-ref-2)
3. *Nat’l Fed’n of the Blind v. Lamone*, 813 F.3d 494, 506 (4th Cir. 2016) [↑](#endnote-ref-3)
4. *Hindel v. Husted*, 875 F.3d 344, 349 (6th Cir. 2017). [↑](#endnote-ref-4)
5. Based on research conducted by the National Federation of the Blind. (Unpublished) [↑](#endnote-ref-5)
6. American Civil Liberties Union. “Access Denied: Barriers to Online Voter Registration for Citizens with Disabilities.” January, 2015. https://www.aclu.org/sites/default/files/field\_document/021915-aclu-voterregonline\_0.pdf [↑](#endnote-ref-6)
7. Deque Systems. “Digital Accessibility in 2020 Election: Progress, But a Long Way to Go.” November 24, 2020. https://www.deque.com/blog/digital-accessibility-in-2020-election/#main-content [↑](#endnote-ref-7)