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Request for Comments: 2024 Election Administration and Voting Survey

Document: EAC-2023-0008-0016
Comment from American Association of People with Disabilities

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General Comment

This is the correct version of the official comments submitted by the American Association of People with Disabilities and supporting organizations. Please review the attached document. Disregard the document titled "Comments: 2024 Election Administration and Voting Survey (1)." The correct document is titled: Final Comments: 2024 Election Administration and Voting Survey

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Attachments

Final Comments_ 2024 Election Administration and Voting Survey

January 15, 2024

U.S. Election Assistance Commission
633 3rd Street NW
Suite 200, Washington, DC 20001

Re: 2024 Election Administration and Voting Survey

The American Association of People with Disabilities, the Center for Civic Design, and the undersigned organizations appreciate the opportunity to comment on the 2024 Election Administration Policy Survey. The focus of our comments is the difficulty of finding accurate information from all states and territories about policies that impact people with disabilities.

First, we want to commend the U.S. Election Assistance Commission for the addition of several new questions that will provide useful and needed information about accessible voting options. In particular, we wanted to highlight the following new additions:

Question 3 - URLs on the state election website. An authoritative list of the main voter website, the pages for voter registration, and for voters with disabilities will make it easier to provide this information to voters who need it. This is especially critical for voters with disabilities who may be using assistive technology, such as a screen reader, or navigating using only keyboard controls, or who may have difficulty searching through multiple web pages to find the information they need on voting accessibility.

Question 11b - Same-day registration adds valuable details about which locations can be used to register and vote on the same day.

Question 27e - Drop boxes provide information about what policies jurisdictions follow in deciding how many drop boxes to make available. As noted in the "Disability and Voting Accessibility in the 2022 Elections" released by the U.S. Election Assistance Commission and in the 2020 report, people with disabilities were 7 points more likely to vote by mail; thus, clear information about dropboxes is essential for supporting election accessibility for disabled voters.

Questions 28a and 28c - Curing errors will help identify the most accessible way for voters to receive notifications that their ballot must be cured to be counted. We applaud the EAC for including responses related to signature mismatch as many people with disabilities, particularly those who are print-disabled, struggle to produce a consistent signature.

Question 32b Accessible VBM adds an important clarification about whether this process is offered statewide or only in some jurisdictions

Question 32d Electronic return provides new information and clarifying details about whether voters with disabilities can return their accessible VBM ballot electronically. Research is needed on

how electronic ballot return is being utilized across states, as this option could expand election access significantly for disabled voters.

Question 36, 36a, 36b - Curbside voting This information is important for many voters with disabilities who use this voting service when it is available. In many cases finding out if, when, and how curbside voting is available can be difficult.

We commend the Election Assistance Commission for addressing these crucial areas in election accessibility through the new survey questions.

We would also like to suggest four additional areas for questions about voting options.

- **What are the policies and practices for voting from a congregate living setting?**
- **What are the policies and practices for voters who are experiencing incarceration?**
  For example pre-trial, incarcerated for a misdemeanor, or other situations in which voting rights are maintained.
- **What are the policies and practices for voting options in times of emergency?**
  For example, people who have experienced unexpected hospitalizations or who are experiencing a natural disaster.
- **What are the policies in your state around voter assistance, beyond the assistance provided by poll workers?**
  The question should take into account, and collect information on, settings where the rules around voter assistance may differ, such as nursing homes.

Knowing if there is a policy to support each of these, and whether the policy is statewide, or implemented in some jurisdictions would help researchers understand the nature of barriers to voting in these two contexts. It would also help voters, or those assisting them, find information about their voting options more easily. People with disabilities are overrepresented in both congregate settings – which include nursing homes, group homes, institutions, hospitals, and more – and in jails and prisons. It would also be helpful to know the eligibility requirements for absentee ballots for voters in congregate settings, as many of these policies assume residents of congregate settings are older adults, and there are a growing number of younger adults in congregate.

We note that there are also opportunities for precision and clarification in some of the existing questions.

Questions 8 and 8a ask about automatic voter registration and which agencies participate. However, in some states, the program at the motor vehicles agency is different from that at other state agencies – either by policy design or because there are differences in the current level of implementation. If there is more than one AVR process, is there a way to identify which agencies participate in each of the processes?

Question 9a asks about the need to have a state ID to register or update voter registration. However, states may differ in terms of what types of IDs they allow. We recommend reformatting this question from a simple yes/no answer set to a "check all that apply" response option. In order to capture states that do not require state ID, the first option could be "no ID is required." Common forms of ID may include:

- A state ID card issued by the DMV as a "non-driving license"
- A state or US military ID
- A student ID
- An ID from a state agency, public assistance service, or educational institution, Tribal ID, or US passport.

We appreciate **Question 35** because it will help identify states that provide full-service in-person voting options, even if all voters are mailed a ballot. **Question 35c** asks about topics for poll worker training. It includes "Assisting voters with disabilities" but could be made more precise by including "while preserving privacy and independence." It could also be made more precise to ask if poll worker training includes setting up polling sites to be accessible to people with disabilities.

We appreciate the inclusion in **Question 48 - Audits** of a "Ballot design audit: An assessment of the usability of the ballot(s) in an election, often focusing particularly on voters with disabilities or voters who use ballots in languages other than English."

We also suggest adding to the first item on the list, "Access audit: An assessment of whether legal procedures were followed to ensure the election's accessibility to voters with disabilities." We also recommend that assessments review whether polling places or voting locations are meeting accessibility requirements.

A similar question could ask whether the jurisdiction conducts regular **accessibility audits** of election information. The accessibility audit is an assessment of the usability of all online or fillable PDF forms needed to vote (from registration to curing a ballot deficiency) and all information on the state website about voting procedures and options for voters with disabilities. It could also include an assessment of which languages basic voting information is available in, including American Sign Language.

Thank you again for collecting this valuable information and for the opportunity to weigh in on the 2024 Election Administration Policy Survey.

Sincerely,

Undersigned organizations:

ADAPT Montana

The Advocacy Institute

American Association of People with Disabilities

Autistic Women & Nonbinary Network

Center for Civic Design

Detroit Disability Power

Disability Rights North Carolina

Georgia ADAPT

National Association of Councils on Developmental Disabilities

National Coalition for Mental Health Recovery

National Disability Rights Network

National Mental Health Consumers' Self-Help Clearinghouse

National Organization of Nurses with Disabilities

Neighborhood Access

New Disabled South

Not Dead Yet

The Partnership for Inclusive Disaster Strategies

Perkins Braille & Talking Book Library

Repairers of the Breach

Supermajority Education Fund