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Assuring Access to Voting Opportunities for People with Disabilities

Voting is one of our most valuable constitutional rights as Americans. However, people with disabilities may experience many barriers to voting, such as inaccessible voting locations, restrictions on mail-in voting, and strict signature requirements. Due to the COVID-19 pandemic, accessible voting options, such as mail-in voting, were widely offered during the 2020 election, benefitting millions of Americans with disabilities⁶. Many states, as well as the federal administration, have continued to look for ways to expand voting accessibility for minorities, particularly focusing on people with disabilities. However, over the past year, multiple states have also introduced new legislation that may restrict access to voting; many of which will have a disproportionate impact on individuals with disabilities.

Voting Restrictions

67% of adults in America voted in the November 2020 election. This number broke voter-turnout records, but still, millions of Americans did not exercise their right to vote³. One of the simplest ways to increase voter turnout is to remove barriers or restrictions to voting⁵. However, many states in the past year have implemented barriers to voting following the November 2020 election in response to claims of election fraud⁷. Among the most concerning voting restrictions are new limitations on mail-in ballots and stricter ID and signature requirements. Florida (SB 90), Georgia (SB 202), and Texas (SB1) are examples of the numerous states implementing restrictions which will make voting less accessible⁷. Mail-in ballots offer great accessibility to voting and especially to those with disabilities. In fact, in the November 2020 election, over half of reported voters with disabilities used mail-in voting, compared to roughly 40% of voters without a disability⁶. Further, ID and signature restrictions increase barriers to voting for people with disabilities as many people do not have an ID and/or have visual or mobility impairments which make signatures difficult¹. While the intent of these policies is to secure processes and minimize voter fraud, the implementation doesn't reflect true access to voting. These policies require voters with disabilities to take additional steps through bureaucratic systems to obtain access to voting.

Expansion of Voting Access

Despite the number of bills restricting access to voting, there is active legislation looking to *expand* access to voting and specifically broaden accessibility for voters with disabilities, and/or improve language accessibility⁷.

In March 2021, President Biden released an Executive Order to “promote access to voting”⁸. This order will affect minorities in the United States, including people with disabilities. Section 7 of the executive order reads:

“Within 270 days of the date of this order, the National Institute of Standards and Technology (NIST) within the Department of Commerce shall evaluate the steps needed to ensure that the online Federal Voter Registration Form is accessible to people with disabilities. During that period, NIST, in consultation with the Department of Justice, the Election Assistance Commission, and other agencies, as appropriate, shall also analyze barriers to private and independent voting for people with disabilities, including access to voter registration, voting technology, voting by mail, polling locations, and poll worker training. By the end of the 270-day period, NIST shall publish recommendations regarding both the Federal Voter Registration Form and the other barriers it has identified”⁸.

Recommendations from NIST are expected on December 2, 2021. NIST has received public comments from various disability advocates and organizations to begin identifying practices for accessible voting. A draft of their recommendations is to be released in the upcoming weeks and will be made available for public comment⁴.

President Biden’s executive order and new legislation supporting access to voting across many states provides a foundation for Utah election officials to also expand election accessibility for Utahans with disabilities. Utah has traditionally provided reasonable accommodations to citizens with disabilities in response to the requirements outlined in Title II of the Americans with Disabilities Act (ADA) and the Help America Vote Act (HAVA), but Utah can do more to help ensure that Utahans with disabilities have equitable opportunities to participate in federal, state, and local elections.

The Institute for Disability Research, Policy and Practices supports legislative efforts to protect election integrity and accessibility for people with disabilities. Efforts being made in the legislature to update Utah voting laws must continue to align with Title II of the ADA and HAVA by providing appropriate accommodations for individuals with disabilities, assuring a way to mark, verify, and cast their ballot privately and independently during an election.

The Utah Disability Law Center² has outlined several methods to assure access to voting for people with disabilities including:

1. Increasing the number of and type of voting options available, such as early voting, curbside voting, and electronic remote balloting;
2. Establishing an Office of Accessibility within the Election Assistance Commission to assist the state with expanding voting accessibility and serve as a resource for voters; and
3. Investing in training for election officials and poll workers on cultural competency and creating truly accessible voting locations.

There is great potential to ensure access to voting for all Americans. The COVID-19 pandemic provided an opportunity for states to identify options for increasing accessibility to voting. Preserving those options for

future elections and working on additional measures to provide access to voting is critical if states are to ensure all Americans can exercise their right to vote without barriers.

References

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