

Assuring Access to Voting Opportunities for People with Disabilities

Being able to vote is one of our most dearly held constitutional rights as Americans. However, the traditional ways in which votes have been cast during civic elections is facing many challenges and undergoing a rapid evolution during this current National and Global crisis.

In Utah, as in many states, the COVID-19 pandemic is prompting the state legislature to consider changes to protect the health and safety of the public and continue to assure the integrity of the election process. Currently being considered by the state legislature to address some of these concerns is House Bill 3006, which will make temporary changes to the Utah Election Code as they relate specifically to the 2020 primary election. HB3006 would require mail-in voting in all counties, or mobile voting, if the county opts in to that specific process. Mobile voting is defined as drive-up voting and is not required through this temporary change. These changes will also eliminate all in-person voting and same day registration, which has been available in the past.

While these efforts are appropriate to help assure health and safety during the election process, they run the risk of disenfranchising a large number of people with disabilities, as well as our aging population. Over 48,000 Utahns have low vision or are blind and will not be able to vote using a mail-in ballot in a way that assures privacy and independence. Likewise, approximately 28,000 voting eligible Utahns have mobility and physical limitations that could limit their ability to complete a physical ballot without accommodation.

Utah election officials have 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), both of which provide a legal framework for providing accommodations in a way that guarantees all citizens the ability to vote privately and independently.

The Center for Persons with Disabilities supports legislative efforts to protect health, safety, accessibility, and election integrity. The efforts being made in the legislature to address the current situation 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 the primary election. Paper ballots are not accessible to all voting eligible citizens and there must be a system that the Lt. Governor and county election officials have in place to appropriately accommodate an individual so they can receive, mark and submit their ballot privately and independently.

County election officials need to be informed and directed on how to make reasonable accommodations. There are several examples of potential reasonable accommodations that may include:

1. Allowing access to the Voatz Application, which has been utilized in Utah County, in order to accommodate accessible remote voting;
2. Allowing in-person voting, by appointment, for qualifying individuals, or;
3. Deploying accessible ballot marking devices in alternative locations that will provide adequate social-distancing, for example, a school gymnasium.

There is great potential to meet the needs of those in our communities while also keeping Utahns safe and healthy during this time if our elected officials take proper consideration of the large population of voting citizens in the state of Utah that have disabilities.