



Downstate New York ADAPT

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Image description:
"Downstate NY ADAPT" text over & under
image of PWD in wheelchair with arms
raised, breaking handcuffs' chain overhead,
under arching text "Free Our People"



July 16, 2021

National Institute of Standards and Technology
100 Bureau Drive,
Mail Stop 8970
Gaithersburg, MD 20899-8970
VIA ELECTRONIC SUBMISSION

Re: "Promoting Access To Voting" - NIST-2021-0003

Dear Sir/Madam:

The Greater New York Council of the Blind, Disabled In Action of Metropolitan New York Inc. and Downstate New York ADAPT submit these comments in response to the National Institute of Standards and Technology's ("NIST") request for information, dated June 16, 2021, (referred to herein as "RIF") on "Promoting Access to Voting", also known as NIST-2021-0003.

The Greater New York Council of the Blind ("GNYCB") is a chapter of the American Council of the Blind of New York State ("ACBNY") which is a nationwide member - driven advocacy organization that strives to increase the security, independence, economic opportunity, and quality of life for people who are blind and experiencing vision loss.

Disabled In Action of Metropolitan New York, Inc. ("DIA") is a fifty-one (51) year old, 501(c) (3), grassroots, civil rights organization run by and for people with disabilities. DIA's mission is to eliminate discrimination for people with all kinds of disabilities.

Downstate New York ADAPT ("DNY ADAPT") is a grass roots, non-hierarchical community of people with all types of disabilities advocating for the civil rights of people with disabilities, including, but not limited to, the right to live and fully participate in the larger community. Downstate New York ADAPT covers the five counties in New York City, the two counties on Long Island as well as Westchester, Dutchess, Orange, Rockland, Putnam, Ulster and Sullivan counties in New York State.

Herein we have set forth the questions stated in the RIF and our responses.

Question Number 1: Describe concerns regarding accessing the right to vote privately and independently for people with disabilities.

Response to Question Number 1:

People with disabilities have experienced and continue to experience difficulties with exercising their right to vote privately and independently. It has been only within the last few years that poll sites in some areas have been made more accessible to voters with disabilities and voters with disabilities have been given the opportunity to privately and independently read/hear the ballots contents and to mark the ballot and cast their vote privately and independently. Although voting has vastly improved in the past thirty years since the enactment of the Americans With Disabilities Act ("ADA") and its implementing regulations, there are still many areas in which improvements need to be made.

First and foremost, we are concerned that there is a movement that voting should be limited to paper ballots as demonstrated by the "paper ballot mandate" set forth in the proposed "For the People Act". Specifically, as presently written, the proposed legislation would prevent innovation in election technology which would bar accessibility gains in the future and

silence the voice of millions of American voters who are disabled, including, but not limited to, voters who are amputees, blind, visually impaired, paralyzed, dyslexic, as well as many Americans who speak English as a second language.

It is well known that access to equal transportation services for voters with disabilities has not been achieved and that this fight continues since it impacts so many facets of voters with disabilities' lives including traveling to poll sites. With the option to electronically receive and return an accessible absentee ballot in the 2020 election, many voters with disabilities who could not visit a poll site were able to vote independently and, at times, privately. Significantly, electronic voting at poll sites through Ballot Marking Devices ("BMDs") and at home gives so many voters with disabilities the opportunity to vote with the same ease as voters without disabilities. If voters with disabilities are forced to use a paper ballot, we will not only be returned to second-class citizen status, but more importantly, many voters with disabilities will be forced to make a Hobson choice to not vote or to exercise their right to vote without the privacy and independence enjoyed by other voters.

We strongly recommend that any proposed standards, guidelines or regulations dealing with voting ensure that voters with disabilities retain their legal right to cast a private and independent ballot through the use of BMDs. We also request that the flexibility of using digital access be included in any standards, guidelines or regulations dealing with voting to ensure that voters with disabilities receive full and timely access to voting and the ability to cast their vote. Further, we recommend that any standards, guidelines or regulations dealing with voting include remote, accessible ballot marking systems in the definition of the voting system, since this will bring remote voting systems into the HAVA-mandated requirements for published standards, independent compliance testing by federally accredited test labs, and the national certification of systems deemed compliant with published standards.

Additionally, any proposed standards, guidelines or regulations dealing with voting should not limit voters with disabilities to "one accessible machine per polling place" since such a requirement has resulted in segregated voting for voters with disabilities. Instead, there should be included in any standards, guidelines or regulations concerning voting a requirement that accessible voting systems be sufficient in number to be the primary method of voting for in-person voting. NIST and the United States Access Board should issue

proposed standards, guidelines or regulations that include a sufficient number of accessible voting systems.

Further, any proposed standards, guidelines or regulations dealing with voting need to require that all polling places be accessible to people who use wheelchairs, canes, crutches, walkers and other mobility devices and that proper accessible signage is provided throughout the polling place and paths of travel to and from the polling place for voters with all types of disabilities so that they can safely navigate through the polling place and the paths of travel to and from the polling place.

Since many voting machines as well as BMDs are at or near the end of their useful lives, states should be directed to purchase new fully accessible voting equipment that provides for in-person voting as well as remote voting by voters with disabilities. Of course, funding needs to be provided for such purchases as well as for research and development and pilot projects that could be implemented by elections administrators to ensure that progress is made in implementing better technology as it develops.

Question Number 2: Describe effective strategies, techniques, and technologies for addressing the barriers faced by voters with disabilities throughout the voting process.

Response to Question Number 2:

Some effective strategies, techniques, and technologies for addressing the barriers faced by voters with disabilities throughout the voting process include, but are not limited to:

1-better training of election officials and poll workers on how to set up, test, operate and do simple troubleshooting to make simple fixes to BMDs.

2-we recognize that poll workers move and not be available to be a poll worker continuously at the same poll site, however, the poll worker who is in charge of the BMD should be the same from year to year, if possible. This would lead them to learning how to handle many problems and thus, have the experience to quickly solve the many issues they encounter during each election. With such hands-on and historical knowledge, these poll workers would be able to update the site reports as well as make changes to the site reports which should improve the accessibility at the polling place.

3- better communication as to who can use a BMD, how you can mark your vote on a ballot using the BMD and the various formats through which you can access the ballot on a BMD. It would be helpful if there was available a one-page sheet in various accessible formats explaining this information as well as a social media, television, radio and print campaigns providing voters with this information.

4-Place prominent accessible signage (both print and audio) at all entrances to the polling place that explains what the BMD is as well as how a voter can mark their ballot using it.

5-have line managers at polling places that can make sure the line for waiting to vote moves along in an efficient manner and can direct voters with disabilities to a shorter line as well as provide answers to simple questions that voters may ask when they arrive at their poll site.

6-provide more seating at poll sites for voters with disabilities to use while waiting to vote.

7-make sure that software developers of accessible vote by mail ("AVBM") systems, online forms, online information, websites and any other online systems providing information to voters are cognizant of the fact that there are over 90 combinations of browsers, screen readers and operating systems that voters use on their personal computers and devices and thus, such ballots, online forms, online information, websites and other online systems must be thoroughly tested to make sure that they meet all the various combination of browsers, screen readers and operating systems before such are placed into use.

8-when an AVBM system is used the Board of Elections need to make sure that all ballots for the county have been pre-loaded, tested and are accessible in advance of each election. By having all the ballots pre-loaded and tested in advance of the election, this ensures that both voters and elections staff will not have to worry about waiting for ballots to be remediated or made accessible later; 8-also when an AVBM system is used, the Board of Elections must be cognizant of the fact that voters with manual dexterity disabilities may use assistive devices such as sip and puff to navigate through their personal devices and computers, therefore before any online system, online form, online information and website is used it should be proven to work with these and other assistive devices;

9-when new and improved technology and procedures are implemented to give voters greater access to each stage of the voting process, Boards of Elections need to promote and communicate this information in more than one accessible format so that this important information reaches voters with disabilities who would directly benefit from such changes.

10-all polling places and paths of travel need to be made accessible so that all voters with disabilities, including, but not limited to, voters who use mobility devices, voters who have low vision and who are blind, voters who have difficulty hearing and who are deaf, voters with learning disabilities, voters with sensitivities, voters with cognitive disabilities, voters with verbal disabilities and voters with manual dexterity disabilities, can independently navigate to, from and through their polling place as well as sign-in, mark their ballot and vote independently and privately knowing that their vote will be counted.

Question Number 3: Describe barriers that people with disabilities encounter in getting useful information about the voting process.

Response to Question Number 3:

The greatest barrier is communication. Specifically, the lack of providing the vast majority of information in formats other than print and English. With the use of computer technology and the availability of screen readers and closed captioning on computers this issue has declined but has not been eliminated. Many voters with disabilities do not have free or very cheap access to the internet as well as screen readers and AI that can convert verbal communications to reliable closed captioning. Thus, these voters are left out of the various stages of the voting process from registering to vote all the way to voting.

The communication needs of voters with disabilities who have English as a second language must be addressed so that they will have access to information about all aspects of the voting process. Too many times this voter population is overlooked. More information explaining what a BMD is, how a BMD works, how to request paper and accessible electronic absentee ballots, how to register to vote, who is running for office, what is on the ballot as well as what are their rights as voters and how they can make complaints needs to be provided in various accessible formats in languages other than English.

Further, voters with disabilities in institutional settings such as homeless shelters, nursing homes, assistive living homes, group homes, hospitals and correctional facilities are outright denied access to information about the voting process as well as their right to vote. So too, many voters with disabilities who are incarcerated in these institutions when provided with the opportunity to vote are nevertheless denied their right to vote independently and privately.

Another barrier is a lack of accessible, affordable, safe, on demand transportation to poll sites. Further, for those voters with disabilities who lack access to smart phones, computers and tablets as well as internet service or have unreliable internet service, due to a myriad of reasons, to take actions such as registering to vote and requesting an accessible absentee ballot, it is difficult to access information other than in print, which can exclude these voters with disabilities.

Question Number 4: Describe barriers that people with disabilities encounter with ballots, and in getting useful information about the items on the ballot.

Response to Question Number 4:

When information is sent to voters by candidates it usually is not provided in any other format than print. People with low vision and who are blind, as well as people with learning disabilities cannot access printed information. Further, at private and public debates and other functions at which candidates may appear, many times the sponsors fail to provide closed captioning, American Sign Language ("ASL") interpreters and audio descriptions for people with disabilities.

In New York City, during the 2021 Primaries, the New York City Campaign Finance Board did provide a Voter's Guide, not only in a paper format, and large print, but also online with closed captioning, audio descriptions, and an ASL interpreter.

Further, as of January 2021, in New York State, when sample ballots are provided online they must be screen readable.

Question Number 5: Provide recommendations for improving voter access for people with disabilities.

Response to Question Number 5:

A. The name, telephone number and email address of the ADA Coordinator for the state's Board of Elections and each county's Board of Elections office needs to be posted on the state's Board of Elections' website as well as on any website of the local city or county Board of Elections. Here, we are assuming that there is an ADA Coordinator designated in the state's Board of Elections' office as well as in each city's and county's Board of Elections office and that their websites are accessible. If this assumption is incorrect, we strongly recommend that such a position be established at every state, city and county Board of Elections office in the United States of America.

B. The poll worker who is in charge of the BMD should be the same from year to year and/or there should be more thorough training of poll workers on the use and basic troubleshooting of BMDs. This would lead them to learning how to handle many problems and thus, have the experience to quickly solve the many issues they encounter during each election. With such hands-on and historical knowledge, these poll workers would be able to update the site reports as well as make changes to the site reports which should improve the accessibility at the polling place.

C. Create and promote campaigns to educate voters with disabilities about their right to privately and independently vote and what options are available to them to vote privately and independently. More specifically, we need better communication as to who can use a BMD, how you can mark your vote on a ballot using the BMD and the various formats through which you can access the ballot on a BMD. It would be helpful if there was available a one-page sheet in various accessible formats explaining this information as well as social media, television, radio and print campaigns providing voters with this information. Also, at all entrances to the poll site a large poster/sign in both print and audio format should be displayed that provides information about the BMD and how to use it.

D. One or more designated poll workers should be charged with managing the line on which voters wait to vote. Additionally, such designated poll workers should be able to answer many simple questions regarding ways to vote. For instance, the many ways a voter can use the BMD to make a ballot larger, audible, available in several languages and the fact that you

can mark the ballot without a pen or even the use of your hands. It would be helpful if there was seating interspersed on both the shorter and longer lines during elections where lines do develop so that voters will have a place to sit at various points along the lines.

E. Of course, more funds need to be allocated to train election officials and poll workers to ensure they are advocating for and protecting the rights of voters with disabilities. Further, we need improved disability etiquette training for election officials and poll workers. For example, not to talk to an aide instead of talking to the person with a disability and not to say handicapped.

F. We need more accessible early voting poll sites, available on more days and for longer hours and they all need to be accessible as well as safe and easy to get to. More specifically, we need more early voting poll sites since people are more reluctant to go to early voting poll sites when they have to use public transportation, which includes paratransit, to reach their early voting poll sites. Further, it is too difficult for many voters with disabilities to travel on foot for more than a few blocks to a poll site. With respect to safety, the path of travel, such as the sidewalk immediately adjacent to the early voting sites and Election Day polling places as well as parking lots and bus stops near the sites need to be smooth and properly paved with properly installed curb ramps and not have the paths of travel filled with cracks and potholes which can make it hazardous to walk and wheel to the front door of the polling site. Significantly, any accessible website that lists where an accessible entrance for a poll site is located should mention the safest entrance and exit for the poll site as well as where the nearest bus stops and accessible parking are located. Further, the website should show a sample ballot. At a minimum, all the information provided on the accessible website should be shown in those languages that the ballot is required to be provided in. However, it would be better if such information was provided for several additional languages.

G. BMDs need to be set up in spots that are truly accessible. The BMDs need to be placed in a location where it is quiet enough for the voters to easily hear the audio instructions as well as in a place where sufficient lighting exists for the voter to see the information provided on the BMDs. So too, BMDs need to have better noise cancelling headphones through which a person can hear the instructions.

H. Better signage that would identify how many BMDs were available at the polling place as well as where the BMDs are located at the polling place needs to be provided at both early voting poll sites and poll sites used on Election Day. Further, providing this information concerning these facts on an accessible website that displays the information in a clear and simple manner would be very helpful to voters with disabilities.

I. When the BMDs and scanners are not contained in one voting machine, the two machines should be located near each other so that voters can easily access the scanner after they mark their ballots using the BMD. Of course, the privacy of a voter must not be compromised when placing the BMD and scanner near each other.

J. When the BMDs and scanners are not contained in one voting machine, poll workers should be located near (but not so close as to compromise a voter's privacy rights) to assist voters who request assistance with moving from the BMD to the scanner to insert the completed ballot into the scanner. Further, scanners need to be accessible so that a voter with a disability can easily cast their vote.

K. People with disabilities need to be made aware of the fact that they can request reasonable accommodations when they apply for a poll worker position. In addition to people who are blind or have low vision, there are people with disabilities that have difficulty completing a written test. Thus, we request that the option to go through the same training that people who are blind or have low vision be available to people with other types of disabilities, such as, but not limited to, people with cognitive disabilities.

L. The voter registration tablets should have accessible technology so that people with low vision or who are blind can know what it says as well as be able to navigate the controls. Further, these tablets need to provide more than one way that a person can sign-in on the tablet, like the BMD already provides to voters. This would bring about greater access for both voters and poll workers with visual and manual dexterity disabilities.

M. Another recommendation that could be implemented after the coronavirus pandemic is over is making independent living centers into polling places.

N. The writing on the ballot needs to be larger for all voters and the ballot needs to be designed to be easier to read and understand so that voting becomes an easier experience to many more voters. Of course, the format, size and appearance of the ballot must be the same whether it is marked manually, electronically, with a BMD or through the mail, that is, through the use of an absentee ballot.

O. With respect to when Ranked Choice Voting ("RCV") is available to voters, first, there needs to be uniformity in how candidates are displayed. More specifically, a voter should be given the opportunity to mark their ballot on a BMD completely for one office, like what was done for the office of Mayor in the recent primaries in New York City, before being asked to mark their ballot for another office. More specifically, when RCV is used the ballot on the BMD needs to group all the possibilities for one office together rather than mix them up, as happened on certain parts of the ballot shown on the BMD in the New York City 2021 Primaries. Second, how the candidates to which RCV is available to voters will be displayed on the BMD needs to be correctly and clearly communicated to the voters using a BMD. By implementing these changes, the process for marking a ballot on a BMD when RCV is used would be much simpler and easier for a voter using a BMD to navigate through the ballot.

P. With respect to online Voter Guides, it would make it easier to navigate it if you only had to input your address once and not every time you wanted to look at the candidates for a different office.

Q. Most importantly, there needs to be a way to check whether a BMD is working properly early on the morning of the first day of the early elections and on Election Day, such as possibly through the use of a mock or test ballot. It would be even better if such an operational check could be done first thing in the morning every day of early voting as well on Election Day so that problems would be identified and corrected before voters need to use the BMDs to mark their ballots. In sum, the number of accessible voting systems/equipment at polling places needs to be increased to avoid the scenario where voters with disabilities are denied the right to vote privately and independently due to a lack of working BMDs in operation. Many times, the one or few BMDs in the polling place stop working during the day and are not repaired or replaced.

R. Many voters with disabilities do not drive and may need to use paratransit or be driven to the poll site. Thus, we need more on demand paratransit as well the right to be driven by others to poll sites. Further, a voter should have the option to have a person they trust drop off their completed ballot which is in the sealed return envelope.

S. Voters with disabilities should be able use a consistent mark that they have adopted as their own in place of the standard signature.

T. The accessibility of the current vote by mail systems as well as the option for all voters to vote by mail and the option to use electronic remote balloting needs to be increased. With respect to the accessible electronic absentee ballot currently used in New York State, presently, many voters with disabilities do not have access to a printer to print out the marked ballot or the capability to place the marked ballot into the oath envelope and return envelope. The best solution would be for all voters to be able to securely mark their ballot online as well as vote online through a secure portal.

U. Make all polling places wheelchair accessible by using accessible locations, temporary ADA-compliant ramps, changing an entrance for everyone, or moving a polling place to another location.

V. The voting process and elections must be secure and designed to be fully accessible for people with disabilities. Further, voting accessibility must not be an afterthought when designing secure voting systems; these two considerations must be made together from the inception.

W. The options available to voters to vote such as online, automatic, and/or same day voter registration, early voting, curbside voting, and ballot drop boxes need to be increased.

X. When running for an office, many times candidates have to get petitions signed in person which can be difficult for voters with disabilities to be able to run for office. Thus, candidates should be permitted to get petitions signed online or eliminate this requirement completely.

Y. Candidates with a disability should be permitted to use campaign funds to cover campaign-related expenses incurred such as an assistant to take notes for a candidate with a manual dexterity disability, provide assistance getting to events, provide visual descriptions of places and people for a candidate

with a visual disability, ASL interpreters and CART or closed captioning for a candidate with a hearing disability, etc. so that candidates with disabilities are placed on a level playing field with other candidates (See, campaign funds have been allowed to be used to cover campaign-related child care expenses on the federal level and in NYC, see Campaign Finance Board Handbook p. 28, link annexed http://www.nyccfb.info/PDF/candidate_services/Handbook_2021.pdf).

Z. In sum, the rights of voters with disabilities need to be made a priority to ensure that policies and systems enable voters with disabilities the ability to exercise their right to vote privately and independently. Of course, "Nothing About Us, Without Us". Thus, people with disabilities must be included in decision making processes from the start. Thus, an Office of Accessibility within the Election Assistance Commission, headed and staffed by knowledgeable voters with disabilities needs to be established and funded to support and oversee state efforts to expand voter accessibility and serve as a resource for advocates and voters with disabilities. Finally, a national resource center on accessible voting needs to be established to conduct cultural competency trainings for election officials and poll workers in order to create truly accessible voting systems.

Question Number 6: Identify what has had the most impact enabling people with disabilities to vote privately and independently.

Response to Question Number 6:

One of the greatest innovations has been the creation of the BMD which allows a voter to see and/or hear what is contained on a ballot and provides several different ways for a voter to mark their ballot. We believe that in addition to the BMD, the Americans With Disabilities Act requirements that polling places and voting machines be accessible has had the most impact enabling people with disabilities to vote privately and independently.

However, many of our members have encountered problems using the BMDs located at their polling places because they are not set up properly and tested at the polling place before the voting starts during the early voting period in New York and on Election Day or the BMDs stop working during the day and are not repaired or replaced. This needs to be rectified.

Another great innovation is the partially accessible electronic absentee ballot which sends an email containing the ballot to a voter. After the voter receives the ballot, the voter can mark the ballot on their computer or smartphone and then print out and mail back or drop off the ballot themselves or have a person they trust drop off the ballot. Presently, printing the marked ballot as well as placing it in the oath envelope and in the return envelope can be difficult for voters with disabilities. So too, presently, mailing the completed ballot in the envelopes as well as dropping it off at a poll site can be difficult, and in some instances impossible, for voters with disabilities.

Question Number 7: Identify gaps that remain in making voting accessible to people with disabilities.

Response to Question Number 7:

First, and most importantly, many times ballot marking devices are not set up properly to provide a voter with a disability the ability to independently and privately mark their ballot. Further, the voter with a disability may not be able to independently locate the scanner, the actual voting machine, to privately and independently feed their marked ballot into the scanner to cast their vote. As previously mentioned, the BMDs may get jammed or not work at all and thus, prevent a voter with a disability from being able to "read/hear" the ballot privately and independently as well as prevent a voter with a disability from being able to mark the ballot privately and independently.

Additionally, obstacles can block accessible entrances and exits to polling places and the paths of travel leading to and from the entrances and exits can lack curb ramps and be in serious disrepair. Further, websites providing information identifying accessible entrances and exits do not also identify the best accessible entrance or exit. At times, there are not sufficient parking spots available to voters with disabilities near the accessible entrance to a poll site. So too, there is not adequate accessible signage to accessible parking, accessible path of travels and entrances at poll sites as well as to where the BMDs and voting machines/scanners are located. When "signing in" at the polling place, voters with low vision and who are blind as well as voters who find it difficult to write or cannot write are put in an uncomfortable position to put it mildly. Unlike the BMD, the tablets that are presently being used to sign in for voting do not provide for other methods to mark your signature on the tablet. Of course, when a voter with a

disability has to sign in on paper they may face the same issues as raised by the existing sign in tablets in New York City.

Please refer to our other responses herein which also discuss the many barriers faced by voters with disabilities.

Question Number 8: Describe barriers that people with disabilities encounter with completing online forms for the voting process.

Response to Question Number 8:

For voters with low vision and who are blind as well as voters with learning disabilities and other cognitive disabilities, online forms can be confusing. Thus, a simple, streamlined form that is also screen readable would assist all voters. The form should be able to be made larger on the screen for people who need larger print to read a form. Additionally, online forms should allow a person to complete the form online and return it online. Of course, a person should also have the option to print out the online form and fill it out manually and either scan it in and submit it online, or mail it, or have it dropped off at an office.

Question Number 9: Describe barriers that people with disabilities encounter in getting useful information about their eligibility to vote.

Response to Question Number 9:

The same communication barriers identified in our response to question numbered "3", which request information on the barriers that people with disabilities encounter in getting useful information about the voting process, are also applicable here.

Question Number 10: Describe barriers that people with disabilities encounter with registering to vote.

Response to Question Number 10:

The same communication barriers identified in our response to question numbered "3", which request information on the barriers that people with disabilities encounter in getting useful information about the voting process, are also applicable here.

Further, voter registration websites are not always completely accessible. Finally, signature requirements as well as government issued identification card requirements many times make it difficult, and, in some instance, impossible for voters with disabilities to register to vote.

Question Number 11: Describe barriers that people with disabilities encounter using technology for the registration or voting process, whether online, in person, or via mail.

Response to Question Number 11:

When using online technology, the barriers can be incompatibility with screen readers, the lack of closed captioning, audio descriptions and ASL interpreters. Additionally, material can be confusing to understand to voters with disabilities and websites may be difficult to navigate and not accessible. Further, if you have to print out forms to complete and send them, voters without printers are disadvantaged. When a voter with a disability has to use mail, which may mean exclusively print, as previously stated this can bar many people with disabilities access to information and forms (See our responses herein and more specifically our responses to questions numbered "3", "4" and "10").

Question Number 12: Describe the availability of accessible voting equipment.

Response to Question Number 12:

In New York State, in some instances the voting machine, that is the scanner, is separate and independent from the BMD; in other instances, the two functions, that is marking a ballot and casting a vote, are in one machine that contains a BMD and scanner. Where the scanner and BMD are separated, usually there are one or two BMDs available, thus, if there is a problem with a BMD, voters with disabilities are placed in an untenable position of having to give up their right to vote privately and independently and have someone assist them or not vote at all.

Further, in New York City and many other areas throughout the State, the BMDs are aging out and will soon need to be replaced. Thus, we support greater transparency in the certification of BMDs, as well as in the process for bidding for the contracts to provide BMDs and the accessories used with these BMDs. We know that certification of BMDs is done by the Board of Elections in each state, however, we believe that there should be greater

transparency in these processes for the benefit of all their voters. Additionally, a cross section of organizations run by people with disabilities as well as organizations representing people with disabilities need to be a part of this certification process from the very start. In sum, processes and procedures need to be implemented to ensure that BMDs are reliable, secure, accessible and allow voters to exercise their right to vote independently and privately.

Question Number 13: Describe barriers that people with disabilities encounter with voting by mail.

Response to Question Number 13:

The major barrier with voting by mail is that those with low vision or who are blind as well as those with certain cognitive disabilities cannot read a paper ballot. Further, certain voters with disabilities who have difficulty with manual tasks will not be able to fill out a paper ballot. Finally, those voters with disabilities who may be able to both read and complete a paper ballot as well as insert into an envelope and seal it may still have difficulty getting that envelope with the ballot into a mailbox or may be unable to deliver it to a post office or poll site due to a mobility disability. Further, there are still post offices that are not accessible or are difficult for voters with disabilities to enter and access services at, including mailing envelopes.

Where AVBM solution are used ballots must be thoroughly tested to meet all the various combination of browsers, screen readers and operating systems that can be used to mark such ballots (See our answers in response to question numbered "2").

Question Number 14: Describe security considerations relevant to existing and potential technologies used by people with disabilities in the voting process.

Response to Question Number 14:

With respect to security of voting, voters with disabilities right to vote privately and independently should not be denied on the purported claim that BMD are unsecure. It must be remembered that today we do our banking online, pay bills, apply for mortgages, shop and make reservations online as well as enter into contracts on a daily basis over the internet. Today, encryption and other security procedures such as two-step verification can be implemented in the voting process to ensure the security

and integrity of our voting system. Finally, as new technologies are discovered the voting process should continuously be updated to incorporate such advances in security to guarantee voters with disabilities their right to independently and privately vote securely.

Question Number 15: Describe barriers that people with disabilities face at polling locations.

Response to Question Number 15:

The greatest barriers voters with disabilities experience at polling places is a lack of sufficient training of poll workers on 1-the placing of BMDs in a location that is as flat as possible and as near as possible to the scanner-voting machine while guaranteeing that the voter with a disability can mark the ballot and vote privately and independently, 2-communicating with voters with disabilities where everything is located at the poll site, how the BMD works and the possibility of seating on the waiting line as well as the availability of a shorter waiting line; 3-how to fix simple problems encountered when operating the BMDs. (See our responses herein and more specifically our responses to questions numbered "5" and "7").

Question Number 16: Describe the accessibility of polling places.

Response to Question Number 16:

The location of polling places is too often a function of limited available space and limited funds in Boards of Elections. First, and foremost, we need more accessible poll sites available with accessible paths of travel, accessible public transportation and accessible parking closer to where people live since many voters with disabilities cannot drive themselves nor can they walk long distances. Such voters with disabilities have to rely on public transportation and paratransit, which is limited and does not provide on demand service to them, or family and friends to get to their "local" polling place.

Second, polling places must not be placed in buildings that are not completely accessible and have elevators that do not work on the day of the early voting or Election Day. When such obstacles and clear violations of the law exist voters with disabilities are prevented from getting to where the BMDs and voting machines are located and from being able to vote privately and independently.

Third, there needs to be better accessible signage to the accessible parking, accessible public transportation, accessible entrance/exit, the applicable sign-in tables, the BMDs and voting machines/scanners.

In sum, not only do we need more accessible poll sites near where voters live, but also, information about such poll sites need to be distributed to the public in several accessible formats. (See our responses herein and more specifically our responses to questions numbered "5" and "7").

Question Number 17: Identify areas where poll worker training can address barriers experienced by people with disabilities.

Response to Question Number 17:

Turning to better poll worker training, we congratulate the many poll workers who do a wonderful job especially with us using Ranked Choice Voting for the first time in New York City. However, we believe there is still room for improvements based on feedback from our organizations' members.

We still need better training for poll workers with respect to their interactions with voters with disabilities as well as with respect to their interactions with their fellow poll workers who are disabled. We need poll workers to understand that voters with disabilities have the civil right to expect and consistently be able to vote independently and privately in a safe and secure environment. For instance, a poll worker handed one of our members a pen and several times told her, a person with low vision, that she could use the pen to touch the screen. He kept repeating himself until she had to ask him to leave her alone so that she could hear what the BMD was telling her through her headphones so she could vote. Sadly, next she found the BMD was confusing with respect to RCV and would not let her mark her ballot for the New York City Council candidates in her Council District. In the end, after marking her ranked choice votes for Mayor, Public Advocate and Comptroller and having the BMD not mark her New York City Council selections, this voter had the BMD print out her ballot so that she could have at least these votes scanned into the scanner.

So too, poll workers with disabilities need to be respected. We need more education of poll workers and the public on how BMDs work, as well as the fact that any voter can use them even if they do not consider themselves to be disabled.

More hands-on training of poll workers on how to set up, operate and trouble shoot small problems with BMDs needs to be done.

The Board of Elections are required by law to comply with the ADA in selecting and setting up polling places and setting up BMDs and thus, need to be made more aware of these requirements. In sum, 1-the training of election officials and poll workers needs to better address the civil rights of voters with disabilities as well as poll workers with disabilities, 2-the training of election officials and poll workers to provide simple instructions on how to correctly set up the BMD, check the operation of the BMD and fix small problems with BMD as well as when to contact someone outside the immediate polling place to assist in repairing a BMD, and 3-the Board of Elections need to select and set up poll sites that follow the ADA and are safe.

Question Number 18: Identify areas where clearer or better policies can address barriers experienced by people with disabilities.

Response to Question Number 18:

There are many areas where clearer and better policies can and should address and, in turn, ameliorate or eliminate barriers experienced by people with disabilities. First, every Board of Elections needs to have a designated ADA Coordinator whose job is only to deal with making sure that all parts of the voting process are accessible to voters with disabilities. This person's name, title, address, telephone number as well as TDD number and email address should be set forth on the Board of Elections' website as well as in all materials sent to all voters.

Second, many BMDs are aging out and will soon need to be replaced. Thus, we support greater transparency in the certification of BMDs, as well as in the process for bidding for the contracts to provide BMDs and the accessories used with these BMDs. We know that certification of BMDs is done by the Board of Elections in each state, however, we believe that there should be greater transparency in these processes for the benefit of all their voters. Additionally, a cross section of organizations run by people with disabilities as well as organizations representing people with disabilities need to be a part of this certification process from the very start. In sum, processes and procedures need to be implemented to ensure that BMDs are reliable, secure, accessible and allow voters to exercise their right to vote independently and privately.

Third, implementing policies and practices that better communicate the fact that any voter can use a BMD, as well as how a voter can mark their vote on a ballot using the BMD and the various formats through which you can access the ballot on a BMD would demystify the BMD and help promote greater use of BMDs. It would be helpful if there was available a one-page sheet in various accessible formats explaining this information as well as public service announcements and campaigns on social media, television, radio and print providing voters with this important information.

Question Number 19: Describe any barriers that people with disabilities face to voting that disproportionately impact communities of color, persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality.

Response to Question Number 19:

The lack of reliable, low-cost accessible public transportation in urban and rural areas makes it difficult for voters with disabilities to get to poll sites. Further, the lack of dependable, and in some instances, lack of any internet connections impacts on voters with disabilities ability to register to vote online, to request an absentee ballot or accessible electronic absentee ballot online, to learn about candidates, and to receive and mark an accessible absentee ballot online. Also, the prohibited high cost to purchase smartphones, computers and tablets as well as the high cost to access the internet can impact voters with disabilities ability to access the internet to participate in the many aspects of the voting process.

Question Number 20: Of the concerns and barriers noted, identify the most serious and impactful barriers faced by voters with disabilities throughout the voting process.

Response to Question Number 20:

The three greatest concerns and barriers facing voters with disabilities are: 1- a lack of access to voting information, including, but not limited to, information on how to register to vote, how to find out about who is running for what office/position and how to mark a ballot and where to vote, that is, where is the voter's poll site, the accessible entrance, the place to sign in and where the BMD and voting machines are located, 2- a lack of access to accessible on demand transportation to the polling place and proper curb ramps on local streets where one could theoretically walk/wheel to a poll site, 3-laws that prohibit driving people to poll sites or not allowing someone

else to drop off a completed ballot, 4-laws that require voters to have the exact same signature, 5-laws that require showing identification to vote, 6-a lack of greater access by voters with disabilities to be able to run for office without having to get petitions signed in person and 7- a failure to allow candidates with a disability to use campaign funds to cover campaign-related expenses incurred such as an assistant to take notes for a candidate with a manual dexterity disability, provide assistance getting to events, provide visual descriptions of places and people, ASL interpreters, etc. so that candidates with disabilities are placed on a level playing field with other candidates (See, campaign funds have been allowed to be used to cover campaign-related child care expenses on the federal level and in NYC, see Campaign Finance Board Handbook p. 28, link annexed http://www.nyccfb.info/PDF/candidate_services/Handbook_2021.pdf).

In sum, it is time that new standards, guidelines and regulations be established so that all Americans with disabilities are guaranteed the opportunity to fully participate in elections on the national, state and local level and the opportunity to equally exercise their right to vote privately, independently, securely and safely.

Very truly yours,

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