



Protecting the Health & Safety of All Voters
While Preserving the Voting Rights
of Voters with Disabilities
During the COVID-19 Pandemic

FRED NISEN
SUPERVISING ATTORNEY FOR VOTING RIGHTS
DISABILITY RIGHTS CALIFORNIA
MAY 14, 2020

Vote-by Mail ballot being mailed to every registered voter

- ▶ We support providing all voters with a vote-by-mail (VBM) ballot in response to COVID-19, which Governor Newsom required in an Executive Order on May 8, 2020. Many voters with disabilities are among the vulnerable populations at risk of being the most impacted by COVID-19 and voting by mail will best protect them from getting the virus.
- ▶ Many people need to vote in person to get help from a poll worker or to vote privately and independently using accessible voting equipment.
- ▶ Voters with disabilities, especially those living in a group home or other care facility, are often coerced into voting a certain way by a caretaker who watches them complete the ballot to make sure the vote reflects the caretaker's views.

RAVBM: Remote Accessible Vote-by-Mail Ballot

- ▶ The California Legislature recently required, effective January 1, 2020, all counties to offer a Remote Accessible Vote-by-Mail (RAVBM)
- ▶ RAVBM allows voters with disabilities who are unable to read or mark a paper VBM ballot to download their ballot onto their device and use their own assistive technology they are familiar with to read or mark their selections
- ▶ They have to print out their choices, place the printout in the envelope contained in the VBM packet, sign and date the envelope in the appropriate space and either mail it, drop it in a drop box or at the polling place/vote center. DRC's RAVBM Demo Video: <https://www.youtube.com/watch?v=54-Xbg5Nbg4&t=29s>

Drawbacks of RAVBM

- ▶ Some voters with disabilities, especially the older population, don't have access to a computer and a printer, or the Internet.
- ▶ Some voters with disabilities do not feel it is private and independent because more people who would need this service would need to have another person assist with putting the printout in the envelope.
- ▶ Some voters with disabilities have found RAVBM confusing.
 - ▶ A result of not much outreach on this topic.
 - ▶ Many counties have little to no easy-to-find information about RAVBM on their website.

There needs to be a minimum number of accessible in-person voting locations

- ▶ A minimum number of in-person voting locations would ensure that every voter in the state will be able to vote in person if they need to.
- ▶ Assuming that there needs to be a reduction in in-person voting locations due to the COVID-19 pandemic, we agree with Secretary Padilla that there should be no less than one vote center for every 10,000 registered voters to avoid overcrowding and enable physical distancing as well as to make sure voters, especially those with disabilities, are able to access one to be able to vote privately and independently.

All in-person voting locations should be accessible.

- ▶ All in-person voting locations should be physically accessible, in compliance with the SOS' Polling Place Accessibility Guidelines, similar to the vote center requirements under the Voter's Choice Act (VCA).
- ▶ For counties not implementing the VCA, there are some narrow exceptions that allow a county to use an inaccessible location as a polling place if it has made reasonable efforts to locate an accessible location within the precinct (of no more than 1,000 voters).

All in-person voting locations should be accessible.

- ▶ If there is one voting location for every 10,000 voters, if a voter with a disability goes to a voting location that is not accessible, they would have to travel farther to go to another voting location that is accessible to them
- ▶ Governor Newsom, in his Executive Order on Friday, and Secretary Padilla, in a letter to all of the County Elections Officials on Friday, acknowledged that in-person voting is important for voters with disabilities.

Number of Accessible Voting Machines

- ▶ The VCA, which requires a county that switches to the vote center model to have at least one vote center for every 10,000 registered voters, sets a minimum of three accessible voting machines at every vote center.
- ▶ Since there will be the ratio here, there should be the same amount of accessible voting machines.
 - ▶ If there is only one accessible voting machines and it does not work, a voter who needs it will have to travel farther to another voting location with a working accessible voting machine.