1703 N. Beauregard St., Suite 420

Alexandria, VA 22311

Tel: (202) 467-5081

Fax: (703) 465-5085

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­ April 10, 2020

The Honorable Nancy Pelosi, Speaker

United States House of Representatives

1236 Longworth House Office Building

Washington, D.C. 20515

The Honorable Mitch McConnell, Leader

United States Senate

317 Russell Senate Office Building

Washington, D.C. 20510

The Honorable Kevin McCarthy, Leader

United States House of Representatives

2468 Rayburn House Office Building

Washington, D.C. 20515

The Honorable Charles Schumer, Leader

United States Senate

322 Hart Senate Office Building

Washington, D.C. 20510

Re: Congress Must Protect the Voting Rights of People with Disabilities

Dear Speaker Pelosi and Leaders McConnell, McCarthy, and Schumer:

The American Council of the Blind and the undersigned organizations actively represent and work to advance civil rights for people with disabilities. We write to express our concern that the CARES Act, H.R. 748, fails to reinforce to states that they must ensure equal access to federal elections for voters with disabilities when administering funds pursuant to this Act. The basis of our great democracy is the fundamental right to privately and independently mark, cast, and verify a ballot. Through passage of the Voting Rights Act, the Americans with Disabilities Act (ADA), and the Help America Vote Act, Congress mandated that states must ensure all voters are afforded full and equal access to the ballot box, whether at a polling location or voting remotely. Yet, voters with disabilities are routinely disenfranchised in absentee voting programs that require the voter to cast a paper ballot for federal elections. To complete a paper ballot one is required to, at the least, read standard text, physically write and/or fill in the ballot choices, seal and certify the ballot via a signature on the envelope, and mail the ballot back to the appropriate voting official to be counted. Each of these steps may act as a barrier to voting for voters who are blind and disabled.

There is no nationwide approach to creating accessible absentee ballots and as such, many voters with disabilities are excluded from absentee ballots. Some states have implemented accessible solutions to this problem, such as remote voting through the use of online and remote ballot marking devices. For example, earlier this year Gov. Justice in West Virginia signed into law S.B. 94, a bill to bring the absentee vote by mail system in West Virginia into compliance with Title II of the ADA by offering an accessible electronic absentee voting option for people with disabilities. These changes are the result of the tireless work of advocacy organizations and, in some cases, legal action. These ad hoc decisions by states to protect voting rights create an uneven landscape where voters with disabilities in some states may successfully cast a private, independent absentee ballot, while voters with disabilities in other states cannot, for the same federal election. Readily available solutions already exist that afford people with disabilities full and equal access to absentee or remote voting through the use of online and remote ballot marking devices.

This year marks the 30th anniversary of the Americans with Disabilities Act, and it is once again incumbent on Congress to reinforce the American principle that federal elections must be administered in an equitable manner, enabling voters with disabilities to cast a private, independent ballot. We strongly urge Congress to remedy the current disenfranchisement of voters with disabilities by requiring an accessible, secure online option by which people with disabilities may privately and independently mark, cast, and verify their ballots in any future COVID-19 relief legislation where federal election funding is allocated.

Sincerely,

Eric Bridges' signature

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Eric Bridges

Executive Director

American Council of the Blind

American Association of People with Disabilities

American Foundation for the Blind

Asian Americans Advancing Justice – AAJC

Association of Assistive Technology Act Programs

Association for Education and Rehabilitation of the Blind and Visually Impaired

Association of University Centers on Disabilities

Autistic Self Advocacy Network

Blinded Veterans Association

Disability Rights Education & Defense Fund

Disability:IN

National Association of Councils on Developmental Disabilities

National Association of the Deaf

National Council on Independent Living

National Disability Rights Network

Paralyzed Veterans of America

Prevent Blindness

Self-Advocates Becoming Empowered

United Spinal Association

VisionServe Alliance

Washington Lawyers’ Committee for Civil Rights and Urban Affairs

ACB of Virginia

Alabama Disabilities Advocacy Program

American Council of the Blind of Indiana

American Council of the Blind of Maryland

American Council of the Blind of Nebraska

American Council of the Blind of New York

American Council of the Blind of Ohio

American Council of the Blind of Texas

Arizona Council of the Blind, Inc.

Bay State Council of the Blind

Braille Revival League

California Council of the Blind

Council of Citizens with Low Vision International

Disabilities Law Program of Community Legal Aid Society, Inc.

Disability Law Colorado

Disability Rights California

Disability Rights Center - New Hampshire

Disability Rights Florida

Disability Rights Iowa

Disability Rights Maine

Disability Rights Nebraska

Disability Rights New Mexico

Disability Rights Ohio

Disability Rights Texas

Disability Rights Vermont

Disability Rights Wisconsin

Florida Council of the Blind

Georgia Council of the Blind

Greater Louisville Council of the Blind

Guide Dog Users, Inc.

Illinois Assistive Technology Program

Illinois Council of the Blind

Independent Visually Impaired Entrepreneurs

Indiana Statewide Independent Living Council

Iowa Council of the United Blind

Kentucky Council of the Blind

Kentucky Council of Citizens with Low Vision

Louisiana Association for the Blind

Michigan Council of the Blind and Visually Impaired

Michigan Protection & Advocacy Service, Inc.

Middle Tennessee Council of the Blind

Missouri Council of the Blind

Mountain State Council of the Blind (West Virginia)

New York Association on Independent Living

North Carolina Council of the Blind

North Dakota Association of the Blind

Northern Kentucky Council of the Blind

Pennsylvania Council of the Blind

People First Wisconsin

Protection and Advocacy for People with Disabilities, Inc.

Randolph-Sheppard Vendors of America

State of Georgia Vision Alliance

South Dakota Association of the Blind

Tennessee Disability Coalition

Utah Council of the Blind

Washington Council of the Blind

Wisconsin Council of the Blind & Visually Impaired