



**Inclusive Elections for ALL**

May 27, 2020

**The Honorable Ron DeSantis**

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**RE: Florida Must Protect the Voting Rights of People with Disabilities**

Dear Governor DeSantis and all State Elections Officials:

Access the Vote Florida (ATVFL) is the Florida Chapter of the REV UP campaign, an initiative of the American Association of People with Disabilities (AAPD) that first began during the 2016 election cycle to advocate for policies that allow people with disabilities to fully participate in the political process. We are a non-partisan, state-level coalition composed of disability self-advocates, disability rights organizations, and other civil rights and civic engagement organizations that aims to ensure the accessibility of polling locations, promote the availability of accessible voting technology, and engage candidates and the media on disability issues.

We are writing to you to stress the importance of maintaining and improving accessibility for voters with disabilities in any adaptations to our elections process in response to the current Coronavirus (COVID-19) pandemic. We are committed to ensuring that every eligible person

can safely and conveniently register to vote, cast their ballot, and have their vote counted during the upcoming Primary and General Elections while protecting the health and safety of voters and elections personnel alike. Despite our current public health emergency, federal civil rights laws that protect the rights of persons with disabilities guarantee the right to vote privately and independently. The Voting Rights Act, the Americans with Disabilities Act (ADA), and the Help America Vote Act (HAVA) all require states to ensure all voters are provided full and equal access to the ballot box in all methods of voting.

Despite these requirements, the disability community is frequently disenfranchised by inaccessible polling locations and absentee ballots that do not offer alternative formats for those who cannot complete a paper ballot. Plans on how to administer our upcoming August 18<sup>th</sup> and November 3<sup>rd</sup> elections will need to be developed quickly, and this letter is intended to provide guidance and offer our assistance on how our state can administer elections without further disenfranchising voters with disabilities.

### **Voter Registration**

According to a [Disability and Voter Turnout in the 2016 Elections](#) report by Rutgers University, persons with disabilities were far more likely to register to vote at government registration offices, voter registration drives, or a public assistance agency.<sup>1</sup> To ensure that voters with disabilities have ample opportunities to register, the state must guarantee that the online voter registration (OVR) system, is fully accessible to all voters. All Supervisor of Elections offices offering other electronic registration methods, such as downloadable PDFs, must be required to make such documents accessible. Florida should encourage Supervisors of Elections to work with congregate care facilities (such as nursing homes, assisted living facilities, skilled nursing facilities, group homes, and similar residential settings) to assist their residents in registering to vote while maintaining adequate screening and health and safety measures. Supervisors of Elections should also establish voter-assistance hotlines for those who cannot register online to email, call, or text election officials to request postage-paid voter registration forms so they can register by mail.

### **Voting-By-Mail**

Vote-by-mail is naturally being heralded as an attractive alternative to in-person voting methods to allow voters to cast their ballots while maintaining social distancing. While vote-by-mail allows some voters with disabilities who may face barriers in accessing polling locations to vote, it can also create barriers for voters who are unable to 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.

As specified by Florida's election code, state law<sup>2</sup> directs the state to work with the disability community to develop accessible vote-by-mail methods for voters with disabilities. To make

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<sup>1</sup> Schur, Lisa, and Douglas Kruse. n.d. "Fact Sheet: Disability and Voter Turnout in the 2018 Elections." <https://smlr.rutgers.edu/sites/default/files/2018disabilityturnout.pdf> <accessed April 13, 2020>

<sup>2</sup> [Section 101.662](#), Florida Statutes.

vote-by-mail more accessible all vote-by-mail return envelopes ballots should include pre-paid postage. The state should expand the use of electronic ballot return, already permitted for military personnel and U.S. citizens living outside of the country, to provide an accessible electronic absentee voting option for people with disabilities. The state should expediently complete its certification of the Democracy Live Software and require implementation of this accessible vote-by-mail program by all 67 Supervisor of Elections offices prior to the August 18 primary election.

Voters with disabilities are at greater risk of ballot rejection due to signature mismatch than their non-disabled peers. Some voters with disabilities have degenerative disorders that can cause their signature to change over time. Pain or tremors can cause someone's signature to look different anytime they sign their name. The requirements of the curing process are not accessible to many voters with disabilities who may not have transportation to have a signature affidavit witnessed or notarized. As such, voters with disabilities must be allowed to provide digital signatures on DocuSign and other authenticated digital signature platforms. Signature verification software should also be required by all Supervisor of Elections offices to improve the efficacy of the curing process, and a multiple step signature verification process should be adopted. The state and its county supervisors should make a concerted effort to promote information and explanations regarding how signature mismatch and cure provisions operate, and the timelines and procedures involved to ensure vote-by-mail ballots are accepted and counted. The state must also allow voters to get assistance completing and returning vote-by-mail ballots, including the ability to drop-off ballots in designated "dropboxes" and allowing civic engagement organizations to deliver sealed ballots to the post office or local elections offices.

Supervisors of Elections offices should be encouraged to promote and expand supervised voting as specified in state law<sup>3</sup> so those living in congregate care facilities can vote privately and independently, or receive needed assistance completing their ballots without fear of coercion from staff. In response to the Coronavirus (COVID-19) pandemic, the state needs to develop a process which permits Supervisors of Elections to continue supervised voting under visitation restriction orders to prevent the disenfranchisement of residents of congregate care facilities, while also accounting for the health and safety of both elections staff and residents.

### **In-Person Voting**

According to a 2016 Government Accountability Office report on poll site accessibility for voters with disabilities, 60% of polling locations had at least one impediment to disabled voters.<sup>4</sup> Many polling location accessibility issues, such as ensuring accessible pathways have proper signage and ballot-marking devices are properly setup, can be addressed by ensuring poll workers have adequate training. Curbside voting options should be made available for those who may not be

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<sup>3</sup> [Section 101.655](#), Florida Statutes.

<sup>4</sup> "VOTERS WITH DISABILITIES Observations on Polling Place Accessibility and Related Federal Guidance Report to Congressional Requesters." 2017. <https://www.gao.gov/assets/690/687556.pdf>. <accessed April 13, 2020>

able to leave their vehicles, might have limited mobility and are unable to stand for extended periods, or who might be immunocompromised and feel that voting inside poses a risk to their health. Curbside voting, however, is not a legal cure to inaccessible polling locations.

### **CARES Act**

While many of the items listed above will require funding to implement, funds appropriated to the state from the CARES Act can be used to implement these changes. CARES Act funding has been authorized for use in obtaining electronic voting systems. These funds could be used to purchase Democracy Live for all Supervisor of Elections offices, as well as needed software updates to make systems compatible with the program. Funds can also be used to acquire Personal Protection Equipment (PPE) for elections staff entering congregate care facilities to administer supervised voting. In addition, CARES Act funds can be used to hire additional, temporary staff on election day to conduct curbside voting at polling locations, which would assist in social distancing efforts inside buildings.

We realize these are extraordinary times, but COVID-19 has created a unique opportunity to work together swiftly and innovatively to better prepare for our upcoming elections and make much needed improvements for future elections. We welcome the opportunity to partner with you and county supervisors to educate voters and ensure they can exercise their right to vote during this presidential election cycle. As an organization uniquely qualified to represent the needs of the disability community, we would love the opportunity to work with you on a plan to improve voting accessibility in this unprecedented time, while also making needed reforms to improve accessibility for all future elections.

Access the Vote Florida intends to remain in communication with the state and county supervisors for the purpose of collaborating on education and outreach opportunities that would help to inform and engage voters with disabilities around the state. In advance of that, if there is anything that I, or my office, may do further to assist in this discussion, please do not hesitate to contact me directly.

Respectfully,

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