

Disability Rights New York

New York State Committee on Elections – Public Hearing September 21, 2021

Thank you for the invitation to provide testimony today. My name is Helen Hellmuth and I am a voting access senior advocate at Disability Rights New York (DRNY). DRNY is the Protection & Advocacy (P&A) agency for people with disabilities in New York State and supports people with disabilities in exercising their own life choices. For example, we give people the tools and support they may need to register to vote and cast a ballot. DRNY's voting access program advocates for the entire electoral process to be accessible to voters with disabilities.

A 2020 study from Dr. Lisa Schur and Dr. Douglas Kruse at Rutgers found that voters with disabilities were twice as likely to experience barriers to voting than voters without disabilities. The report found that “[a]bout 1 in 9 voters with disabilities encountered difficulties voting in 2020.” I have included a link to this study with my testimony, and I encourage all members of the Senate Committee on Elections to read the full report. This report concluded that significant progress has been made in voting accessibility since 2016. However, statistics show the voters with disabilities are still significantly more likely to experience barriers in the voting process than voters without disabilities.

Disability and Voting Accessibility in the 2020 Elections: Final Report on Survey Results by Dr. Lisa Schur and Dr. Douglas Kruse:

https://smlr.rutgers.edu/sites/default/files/Documents/Centers/Program_Disability_Research/Disability_and_voting_accessibility_2020_election_Final_Report_survey_results.pdf

Generally, Federal, State, and Local laws require that state and local voting programs be accessible to people with disabilities. Physical polling locations must be accessible to people in wheelchairs, walkers, or other assistive devices, free of physical barriers, bias, and discrimination from poll workers. NYS Election Law requires that ballot marking devices, also known as BMDs or accessible voting machines, be located at every polling place throughout NYS, on Election Day and during early voting. The Absentee Ballot must also be accessible for people who cannot independently or privately mark a paper ballot. While these laws exist, it is up to the county boards of elections to implement protocols to ensure their voting programs are fully accessible to voters with disabilities.

I want to share some stories that DRNY received from New Yorkers with disabilities about the experiences voting during the 2020 and 2021 Elections.

- During the 2020 and 2021 Elections, DRNY received several reports from voters about BMDs not working properly. In one instance, the BMD froze and became inoperable. After the issue was resolved, the BMD would not scroll through the candidates names properly, making it impossible for the voter to privately and independently mark their ballot. In another instance, the printer of the BMD jammed and would not release the marked ballot. When the voter reported this malfunction, the poll worker did not offer for the voter to wait for the malfunction to be corrected.

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Instead, the voter cast their ballot with the assistance of a family member, forfeiting their right to a private and independent vote.

- DRNY received reports that polling sites were not arranged in a way that was physically accessible. In one instance, a ballot scanner was located on the basement level of a polling place, and the elevator was inoperable. A voter who uses a wheelchair needed to hand her completed ballot to a poll worker to have them cast their ballot in the scanner. This is another situation where a voter was forced to forfeit their right to a private and independent vote.
- DRNY received a report from a voter who is blind and requested an accessible absentee ballot. Their county board of elections office provided them with a ballot that could not be read by their screen reader. Another voter reported to DRNY that their county board of elections office did not have an accessible ballot for eligible voters, and the delay required the voter to vote in person and not by absentee ballot.

These are just a few examples that highlight the need to make our voting program more accessible, at relatively little cost to both the state and county boards of elections.

Despite ongoing barriers voters with disabilities face during every election, DRNY is encouraged to see improvements to the operations of elections in NYS. The Senate Bills that prevent disenfranchisement of absentee voters, permanently authorize absentee ballot drop boxes, increase transparency through an absentee ballot tracking systems, permanently allow voter to request absentee ballots online, create timelines when BOE's must mail absentee ballots, and enable BOEs to receive applications for absentee ballots earlier, all create a more accessible voting experience.

My message today is this: It is important to consider that all of these Senate Bills must be accessible to people with disabilities. Requirements for accessibility must be included in the bills at the onset to ensure full inclusivity. For example, every absentee ballot drop box must be placed in an accessible location with adequate curb cuts, and online portals to request absentee ballots and absentee ballot tracking systems must be accessible to voters who use adaptive computer technologies like screen readers. Making new measures like these accessible from implementation is key to ensure the new laws benefit all voters, including voters with disabilities. It is critical that lawmakers continue to prioritize accessibility in efforts to expand NYS voting programs, and that can be easily achieved when you consider the needs of voters with disabilities when drafting legislation.

I thank you for your time and consideration today, and to all of you, for your efforts to ensure all eligible New York voters have access to the polls. DRNY is available to further discuss this issue, and my contact information is available with my written testimony.