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Center for Independence of the Disabled, NY

July 1, 2020

Hearing: The New York City Voter Assistance Advisory Committee (VAAC)
Public Hearing on Voting in the June 2020 Primary

Monica Bartley
Community Outreach Organizer

Re:

The Voting Experience of People with Disabilities in the June 2020 Primary Election

I would like to thank the Voter Assistance Advisory Committee for holding this hearing.

My name is Monica Bartley. I am the Community Outreach Organizer at the Center for Independence of the Disabled, NY (CIDNY). I would like to highlight some of the barriers which voters with disabilities experienced in trying to vote in the June Primary Election. I would also like to offer some recommendations to help ensure that people with disabilities are not disenfranchised in the November Elections.

The expansion of voting options through the Governor's Executive order to include absentee voting was a preferred option for many voters with disabilities who did not want to risk voting in person in the current COVID-19 environment. Voters were able to apply for their Absentee Ballot online, however the ballots were not in accessible/alternate formats for people who needed that option, including those who are blind and those with dexterity disabilities among others. Our concerns that some members of the disability community would be disenfranchised unless the absentee ballot was accessible and/or available in alternate forms was addressed by litigation against the State Board of Elections brought by people with disabilities and a coalition of agencies including CIDNY.

The accessible ballot is a fillable PDF that should allow voters with disabilities to read and mark the document with assistive technology. It was available from the BOE on request by email but some people with disabilities do not have the technology to read the ballot or to print the form, some live alone and do not have a trusted family member or friend who could help them, so they were not able to make use of the accessible ballot option. As a result some did not vote at all because they did not want to take the risk of voting in person due to COVID-19.

In one case a voter was able to successfully use the computer to read and mark the electronic ballot, but was unable to print it so had to exercise the option of voting in person. She was quoted in the American Prospect as saying "If you get all the way through that and the only thing that messes you

Re:

up is printing the damn thing out to be able to send it off, that's horrible. I cannot explain to you how horrible that is," She encountered a problem at the polling site because the Ballot Marking Device she needed was not working. She had to rely on a family member to mark her ballot, which she would not have normally done. While she was able to cast her vote at a polling site, she took the risk of voting in person - which she hadn't felt comfortable doing, and she was denied the opportunity of voting privately and independently like every other voter.

Some voters did not receive their absentee ballot although they applied for it early. Due to their medical condition they did not want to take the risk to vote in person, so they were disenfranchised due to a lack of a viable accessible alternative. .

There were some people who voted in person and had problems with the Ballot Marking Device. There were paper jams and they had to wait for a technician from the BOE to come and fix it. One voter who could not wait was assisted by a family member so was denied the opportunity to vote privately and independently. Poll workers still tell people without visible disabilities that the BMD is for voters with disabilities, this has never been the case and requires, then, some with disabilities to disclose their disability when by law, they don't have to. These recurring barriers faced by people with disabilities continue to act as a deterrent to voting and in some cases effectively disenfranchise some voters with disabilities who are given incorrect information about the Ballot Marking Device (BMD) and voting alternatives at their polling site or who cannot access their sites on election day.

We need to work on resolving these barriers to voting before the November 2020 elections. In light of this we are recommending the following:

Improve the accessible ballot by selecting a standardized option that can be accessed by various screen readers and developing an option to submit the ballot electronically.

Absentee ballots should be mailed out at least 3 weeks before the elections so people who prefer to use this option will be able to do so and not be disenfranchised.

All poll workers should promote the use of the BMD as an option for any voter who chooses to use it, including people who have difficulty reading small print or for those who find using the BMD easier than marking a paper ballot, whether they have a disability or not.