



Impact of COVID-19 on Accessible Voting

COVID-19 has had and will continue to have a profound impact on voting policies and procedures.

Any information provided to the voting public regarding COVID-19 policies and procedures must be accessible to people with disabilities.

Community outreach efforts should extend to the disability community.

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Voting, COVID-19 and the ADA

The ADA does not mandate any health or information activities in regard to COVID-19.

Rather, the ADA requires that any actions or information related to COVID-19 be accessible to people with disabilities and/or do not discriminate against people with disabilities.

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Public Understanding of Voting Policies and Procedures Related to COVID-19

COVID-19 related policies, such as face mask policies can vary widely from state to state and county to county.

This can be very confusing to the general population who are getting information on a national level and may not be aware that voting is a state activity carried out by county clerks.

Imperative voters with disabilities understand the COVID-19 related policies that apply to them.

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Voting Policies and Procedures Related to COVID-19 and the Disability Community

Why:

Voters with disabilities may be making decisions about how they will vote on their local voting policies and procedures.

Following are examples of information needs of different voters with disabilities.

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Examples

Voter 1 has a number of pre-existing conditions that make him at high risk for serious illness if he develops COVID-19. He wants to be sure that his voting precinct has a face mask policy for voters. He does not want to be exposed to anyone without some type of face covering or shield.

Voter 2 experiences significant anxiety when wearing a face mask. She wants to know if she can vote without wearing any kind of face covering? She has heard that some states will not require face masks at polling places.

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Examples

Voter 3 is deaf and uses a face mask. The voter lip reads and wants to know if polling staff will be wearing masks that have a clear opening to make lip reading possible—or better yet, be using a face shield?

Voter 4 wants to mail in his ballot. He looks up the information about how to do so on his State's website—but notices there is different criteria for people with disabilities and people who are considered high-risk of COVID-19 complications. He is unsure which category he would fall into.

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Exceptions

Why:

Voters with disabilities may be making decisions about how they will vote on their local voting policies and procedures.

Following are examples of information needs of different voters with disabilities.

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Communication is Key

These are just a few examples of many COVID-19 related questions that voters with disabilities may have.

Key to Meeting These Voters' Information Needs

- Outreach to voters' with disabilities regarding:
 - Where there voting precinct is located.
 - Clear policies and procedures for all types of voting and deadlines.
 - Means of asking questions.
- Communication that meets the ADA compliance guides for Title II entities (state and local governments.)

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Effective Communication



•A public entity must take appropriate steps to ensure that communications with people with disabilities are as effective as communications with others.

- A public entity must provide appropriate auxiliary aids and services where necessary to afford qualified individuals with disabilities an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity of a public entity.
- This applies to all aspects of the voting process from registration to casting a ballot. Any communication provided in regard to any part of the voting process should be in compliance with the requirement.

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Effective Communication

- Website information on voting and registration.
 - (Should Meet Section 508 Guidelines (Mirror WCAP v2 Level AA)
 - Prioritize Screen Reading Accessibility
- Face to face communication. (writing notes, using tablets)
- Printed information. (large print)
- Auditory information including videos and presentations at meetings. (Captioned videos)
- Ballot. The information on the ballot itself is a form of communication.
 - Electronic voting machines available for blind voters.
 - Large Print Paper Ballots.
 - Assistance in reading ballot.

Resource: [Effective Communication and Voting Great Plains ADA Center](#)

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Effective Communication

Auxiliary Aids

- Voters should know that auxiliary aids are available and also know how to request them.
- Elections officials may require reasonable advance notice from citizens based on the length of time needed to acquire the aid or service.
- Voters' requests should be given primary consideration. However, local governments do have the option of using a different type of auxiliary aid if it is just as effective in providing understandable communication.
- No fees may be charged for expenses, labor, or time involved in providing effective communication.

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Auxiliary Aids & Services: Exceptions

- Election officials are not required to provide auxiliary aids that would cause an undue financial or administrative burden. Financial burden must be based on the overall operating budget, not just the budget allocated for elections.
- Whenever an auxiliary aid request is found to be “not reasonable”, the local government should try to find another way to provide effective communication, if possible.
- Election officials are also not required to take actions that would affect the “fundamental nature of the program” such as election security or confidentiality.

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Effective Communication: Best Practices

The National Association of the Deaf recommends printing common statements and questions in advance and having them ready at each polling place.

Sample statements and questions include:

- Please show your driver’s license or other photo identification.
- Is your address correct?
- Sign the registration list/card(s).
- Take the voting card to the person standing near the voting machines.
- Directions for how to use the voting machine or the voting booth.
- Do you have any questions?

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Modification of Policy

- Modifications are a change in the environment or the way things are usually done (policy and practice) that help people with disabilities participate in services and programs.
- Modifications should be provided if they meet the criteria established for “reasonable”.
 - Do not pose an undue financial or administrative burden
 - Do not change the fundamental nature of the program.

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Face Coverings and Modification of Policy

Will vary greatly depending upon state and local existing face mask policies.

- County A has a face mask mandate in place.
- State B has established that anyone receiving a government service should not be required to wear a face covering regardless of local ordinances.
- County C has no face mask mandate in place but will leave face covering policies up to local precincts.
- County D does not require voters or poll workers to wear face coverings.



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Is not wearing a face mask a reasonable modification of policy for people with disabilities under the ADA?

DOJ Statement: The ADA does not provide a blanket exemption to people with disabilities from complying with legitimate safety requirements necessary for safe operations.

State and local governments can deny a reasonable modification request to be exempt from a face mask policy based on "direct threat to health and safety".

However—an alternative method to the face mask must be considered such as a face scarf or a face shield. If neither of these options are acceptable to the person, then further options such as curbside voting may be an alternative.

Again: This only applies if a face mask policy is in place!

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How does the poll worker determine if a voter really does have a disability that makes wearing a face mask difficult?

Let's run through a scenario. Voter A enters a precinct that has a face mask mandate for on-site voting. Voter A is not wearing a face mask, when asked to wear a face mask that is available, the voter says that she cannot wear a face mask.

Is there an appropriate response?

- The most straightforward and simple question is: Do you have a disability that keeps you from wearing a face mask?
- If the answer is no—then this is not related to the ADA. Follow the policy plan you have in place.
- If the answer is yes—then follow guidelines you have established for providing alternatives or exemptions.

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How does the poll worker determine if a voter really does have a disability that makes wearing a face mask difficult?

Can documentation be required?

Most people with disabilities do not carry documentation of disability. Also, do you require documentation for other types of policy modification requests? (think of earlier examples)

Based on the ADA's emphasis on people with disabilities access to services with limited intrusion—advise to move on to reasonable modification alternatives or exemptions for the voter.

Make sure poll workers know your policies for these types of situations.

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More About Face Coverings

For voters who lip read, poll workers wearing face masks can make communication difficult, if not impossible.

One solution: Face shields provide a view of the whole face. Face masks with a plastic insert also make the lips visible, but not to the extent a face shield does.

Voters who are hard of hearing may find speech through a mask to be muffled. Again, a face shield may be a solution.

Does that mean all poll workers must wear these type of masks and shields all day? No. They can be used on an as-needed basis.

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Modifications that Require Advance Requests

Some modifications are technically infeasible to provide upon immediate request. Other modifications could change the fundamental nature of the voting process and the need for security and accuracy.

Best Practices:

- Provide information that is easy to find as well as who to contact to make a request.
- More than one type of contact method is recommended. Make sure your contact methods are accessible!
- An electronic form on a webpage must be accessible to screen readers.
- Staff who take telephone calls should know how to use Relay Systems.

Answers should be given promptly—no one should not be able to vote because they got information after a deadline passed!

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Modification: Curbside Voting



Curbside voting is a modification allowing people to vote from their vehicles who have disabilities making it difficult to enter the polling place.

It can also be a form of "program access", another means of providing access to a program when facilities are not accessible.

Some states are encouraging voters who should not be exposed to COVID-19 due to high risk to use curbside voting.

Curbside voting may also be offered as a modification for people who cannot wear face masks due to disability.

Clear signage showing where curbside voting is located should be clearly marked.

Best practice: A buzzer that lets the voter alert poll workers that they need a ballot brought to their vehicle. Voting should be confidential!

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Early Voting, Mail-In Voting, Absentee Voting



- The availability of these different types of voting is at the discretion of each state. Each state may establish its own rules and deadlines regarding different methods of voting.
- But must not discriminate solely on the basis of disability. Must be accessible to people with disabilities. Alternate formats and auxiliary aids and services should be available if needed.
- Both for requesting information/ballots and casting ballot.

Note: Voters with disabilities should have the choice of how they wish to vote. Avoid pushing people with disabilities into one type of voting in order to decrease voting lines on election day or in response to lack of accessible polling places.

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Voting Assistance

Staff and volunteers are responsible for ensuring voting policies and practices are followed.

But they should be careful not to make decisions based upon appearances or biases about an individual's abilities.

Staff and volunteers should be sure not to judge a person's ability to vote based upon appearance, physical abilities, or the need for reading and writing assistance.

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Voting Assistance

- Voters with disabilities may have a friend, relative, or poll workers representing both political parties assist them in casting their vote.
- Staff may provide other types of assistance, such as helping a voter with limited hand dexterity to place their ballot in the ballot box or providing a chair to a person with severe fatigue who is waiting to vote. **Note:** Staff is not required to let someone go to the “front of the line” due to disability.
- People with disabilities may have voting issues that are not related to disability. These situations should be treated in the same manner as they would for any other citizen. For instance, if a citizen who is blind did not register before the election, the issue at hand is voter registration--not disability.

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Accessibility Complaints (not requests)

- Don't take complaints as a personal criticism of yourself or the polling place.
- Remain courteous and friendly and follow-through on the request. Generally, these types of issues are handled by the polling staff notifying local election officials of the complaint.
- A voter with a disability may inform you that they plan to file a complaint based on issues such as inaccessible facilities or ballot marking devices. Remember, it is their right to do so and not a personal reflection on polling staff. Filing a complaint is one way to improve future voting accessibility.

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Physical Layout and Signage of the Polling Area

- Any information regarding COVID-19 health and safety precautions should be accessible to people with disabilities.
- Illustrations and graphics are a good way to get content across to a wide range of voters including voters with different types of disabilities.
- Stations that contain hand sanitizer, masks, etc. should not block the accessible route.
- Trying to keep voters six feet apart? Having stantions or cones help blind voters. Low vision voters benefit from high contrast floor markings. A greeter at the door can also be helpful.

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Universal Service Tips and Disability Awareness for Poll Workers

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Introduce Yourself and Your Role

Who you are and your role
as a poll worker.

- Especially important for
people who are blind or
low vision!

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Avoid approaching people from behind —out of eyesight.

- Especially avoid touching people from the back.
- Can be startling for people who are blind or deaf or have
other disabilities.
- Natural human response is to **not** like being approached or
touched from behind.

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Speaking Loudly Doesn't Always Help!

Avoid the tendency to "turn up the volume" whenever a person:

- Asks a question twice.
- Has difficulty speaking themselves.
- Has hearing aides or cochlear implants.
- Needs any other kind of assistance.



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Blindness or Low Vision: Guiding

- Offer your arm, elbow, or shoulder if assistance is needed. Give the person information- "I'm offering you my arm."
- When moving, describe what is on the path ahead.
- Make sure to alert to steps, thresholds, narrow doorways.
- Great resource for guiding: <https://www.visionaustralia.org/information/family-friends-carers/guiding>

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Service Animals



- The ADA gives people with disabilities the right to bring their service animals to public places, which includes polling places.
- The ADA defines a service animal as a dog that is individually trained to perform a task or work related to the person's disability.

The dog can be any breed or size, even if community has breed restrictions.

Note:

Staff should not distract service dogs by trying to get their attention, petting them, or offering treats. The dog is working and needs to keep its focus on performing its job.

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Service Animals-Identification

- Polling staff should not ask for identification that a dog is a service animal.
- Service dogs are not required to wear a vest or any other type of identification. Their handlers are not required to have documentation of training, certification or licenses.

If it is not obvious that a dog is a service dog, staff may ask two questions.
Is your dog a service dog?
What task or work does your dog perform?

Note: Staff may not ask the dog to perform its task.
(Reason: Performing a task when it isn't needed can interfere with the dogs training.)

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Service Animals-Removal

- The ADA clearly states that a service dog handler can be asked to bring the dog under control if it is wandering around, bothering other voters, barking, etc.
- If the dog cannot be brought under control quickly then polling place staff can ask that dog is removed from the area.
- If a dog is aggressive: snapping, snarling, lunging, or biting; the handler may be asked to remove the dog immediately.
- **Note:** The voter has the right to return without the dog.

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Voters Who Use Wheelchairs

- A wheelchair is part of a person's body space. (Don't lean on it)
- Sit at eye level for longer or important conversations.
- Keep paths clear in buildings and outside. Notice if someone is having difficulty getting to a space or location.

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Voters Who Use Wheelchairs

- If you notice a person having difficulty opening a door, getting a wheelchair over a threshold, etc., don't hesitate to offer assistance.
- But always ask how to help. NEVER just push a wheelchair without permission.
- Asking before helping applies to assistance for people with all mobility disorders.

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Disabilities that Affect Speech

- Allow the voter time to speak—don't show impatience—pay attention to what your body language/facial expressions are conveying.
- Remember, the person has difficulty speaking—not understanding. Don't change your vocabulary or manner of speaking.
- Don't complete the person's sentences.
- Make eye contact.

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Hearing Loss/Deaf

- Speak normally— hearing aids are tuned for it.
- Keep your face and mouth visible for lip reading. Don't over enunciate or talk too slowly—that actually makes lip-reading more difficult.
- When an interpreter is present, address the voter, not the interpreter.
- If you turn your back or move away in order to get something, don't speak until you are facing the voter again.

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Resources

ADA National Network
<http://www.adata.org>

Regional ADA Center
<http://www.adata.org> 800-949-4232

U.S. Election Commission
<https://www.eac.gov/voters/voting-accessibility>

U.S. Access-Board
<http://www.access-board.gov>

- Family member
- Care assistant

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Questions



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