United States Government Accountability Office

Report to Congressional Requesters

June 2021

VOTERS WITH DISABILITIES

State and Local Actions and Federal Resources to Address Accessibility of Early Voting

Accessible Version

GAO@100

A Century of Non-Partisan Fact-Based Work

GAO-21-352

GAO Highlights

Highlights of GAO-21-352, a report to congressional requesters

Why GAO Did This Study

An estimated 38 million Americans with disabilities were eligible to vote in the November 2020 election, according to a Rutgers University study. Federal law generally requires that all aspects of voting be accessible to people with disabilities. Recent increases in voting in person and by mail prior to Election Day have focused attention on these voting modes. GAO was asked to examine the accessibility of voting prior to Election Day and voting information.

This report addresses steps taken by selected states and localities to (1) make voting prior to Election Day accessible, and the challenges in doing so; and (2) make voting information available and accessible, and the challenges in doing so. It also addresses (3) DOJ and EAC efforts to assist states and localities with voting accessibility. GAO interviewed state election and advocacy officials in seven states, and local officials in six of the states and reviewed associated documentation. These states were selected to provide variation in turnout between voters with and without disabilities, and election policies, among other factors. The results from these states and localities are not generalizable, but provide perspectives on accessibility. GAO also analyzed 2016 and 2020 data from a nationwide survey of voters, reviewed DOJ and EAC guidance and resources, and interviewed federal officials.

What GAO Recommends

GAO recommends that the EAC implement a mechanism to collect and incorporate feedback from election officials on its accessibility resources. EAC identified ongoing and planned steps to improve the feedback process.

View GAO-21-352. For more information, contact Rebecca Gambler at (202) 512-8777 or GamblerR@gao.gov or Elizabeth H. Curda at (202) 512-7215 or CurdaE@gao.gov.

June 2021

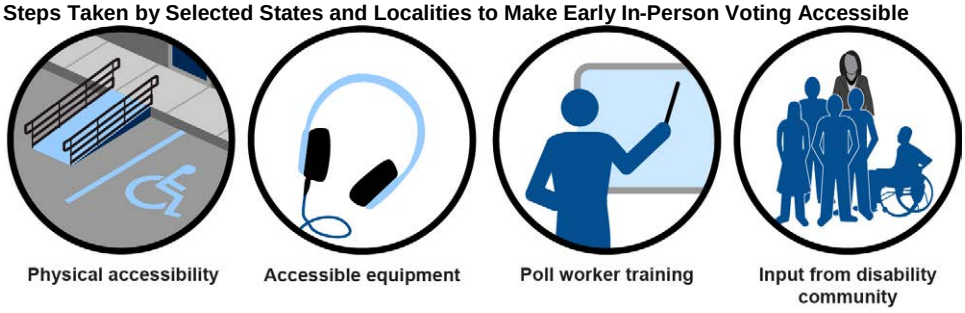
VOTERS WITH DISABILITIES

State and Local Actions and Federal Resources to Address Accessibility of Early Voting

What GAO Found

Selected states and localities have taken steps to make voting prior to Election Day accessible for people with disabilities, but election officials and advocacy officials reported that challenges persist. Election officials reported taking steps to make in-person early voting accessible such as addressing barriers to physical access and providing accessible voting equipment (see figure), but election and advocacy officials reported challenges including physical obstacles such as gravel parking lots and voting equipment not being set up properly. Voting by mail may be an accessible option and has been used more frequently by those with disabilities than others. However, election and advocacy officials also noted that some voters with disabilities have difficulty marking paper mail ballots; six of seven states GAO contacted offer them electronic delivery and marking options.

Steps Taken by Selected States and Localities to Make Early In-Person Voting Accessible



Source: GAO analysis based on information reported by state and local election officials. | GAO-21-352

Selected states and localities have taken steps to make voting information available and accessible, but voters with disabilities may encounter challenges with both. States and some localities have provided information about accessible voting options on their websites, but advocacy officials reported challenges, such as one state not providing information about the accessibility features of its voting equipment. States have also taken steps to make websites accessible, such as ensuring compatibility with screen readers used by people with visual disabilities. However, election and advocacy officials reported, among other things, that some website content such as digital materials, lacks accessibility features and some content is not written in plain language.

Federal agencies have assisted state and local election officials in their efforts to ensure accessible voting. The Department of Justice (DOJ) has provided guidance and educational resources on voting accessibility, such as a checklist for assessing polling places, which some selected states and localities have found useful. The Election Assistance Commission (EAC)—a national clearinghouse of information about election administration—has also provided resources on topics such as accessible voting equipment and partnering with disability advocates. However, selected states and localities GAO contacted reported mixed feedback on the usefulness of EAC resources. Although the EAC communicates regularly with election officials, it does not have a mechanism for collecting and using feedback from these officials about the usefulness of its existing accessibility resources or additional resource needs. Implementing such a mechanism would better positon the EAC to meet election officials' needs.

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Abbreviations

ADA	Americans with Disabilities Act of 1990
DOJ	U.S. Department of Justice
EAC	U.S. Election Assistance Commission
HAVA	Help America Vote Act of 2002
WCAG	Web Content Accessibility Guidelines

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June 21, 2021

The Honorable Robert P. Casey, Jr.
Chairman
Special Committee on Aging
United States Senate

The Honorable Amy Klobuchar
Chairwoman
Committee on Rules and Administration
United States Senate

The Honorable Patty Murray
Chair
Committee on Health, Education, Labor and Pensions
United States Senate

The Honorable Ron Wyden
United States Senate

An estimated 38 million Americans with disabilities were eligible to vote in the November 2020 election, almost one-sixth of the total electorate, according to a Rutgers University study.[1] This group included individuals with a range of disabilities, such as mobility, cognitive, hearing, and visual disabilities. Federal law—in particular, the Americans with Disabilities Act of 1990, as amended (ADA) and the Help America Vote Act of 2002, as amended (HAVA)—generally requires that all aspects of voting be accessible to all eligible voters for federal elections, including those voters with disabilities.[2] The U.S. Department of Justice (DOJ) and the U.S. Election Assistance Commission (EAC) have roles under federal law in helping states administer elections and ensuring accessibility through technical assistance and enforcement. Our previous work on voting accessibility—dating back to 2001—has shown that although improvements have been made, work remains to make voting accessible

[1]Lisa Schur and Douglas Kruse, *Projecting the Number of Eligible Voters with Disabilities in the November 2020 Elections,* Rutgers University: Sept. 24, 2020.

[2]See Pub. L. No. 101-336, 104 Stat. 327 (codified at 42 U.S.C. §§ 12101-12213); Pub. L. No. 107-252, 116 Stat. 1666 (codified at 52 U.S.C. §§ 20901-21145).

to all Americans regardless of disability.[3] For example, we found that 60 percent of polling places we visited during the 2016 general election had at least one potential impediment to physical accessibility, such as steep ramps or lack of signage indicating accessible paths.[4]

Further, the accessibility of various options for voting prior to Election Day has become an increasingly important issue. The majority of states now offer early in-person voting as well as by-mail voting for registered voters, according to information compiled by the National Conference of State Legislatures, and the number of voters using these options is growing.[5] According to an analysis of data from the Census Bureau and the Survey of the Performance of American Elections, the proportion of voters casting their ballots prior to Election Day in person or by mail rose from 33 percent in the 2012 general election to 40 percent in 2016, and—in the midst of the Coronavirus Disease 2019 (COVID-19) pandemic—to 72 percent in 2020.[6] Additionally, as the internet has become an important source of information on voting, some organizations that advocate for the rights of voters with disabilities have raised concerns about the accessibility of information about voter registration and the voting process. These concerns include that some state elections websites are not compatible with assistive technology used by individuals with

[3]GAO, *Voters with Disabilities: Access to Polling Places and Alternative Voting Methods*, GAO-02-107 (Washington, D.C.: Oct. 15, 2001); *Voters with Disabilities: Additional Monitoring of Polling Places Could Further Improve Accessibility*, GAO-09-941 (Washington, D.C.: Sept. 30, 2009); and *Voters with Disabilities: Observations on Polling Place Accessibility and Related Federal Guidance*, GAO-18-4 (Washington, D.C.: Oct. 3, 2017).

[4]See GAO-18-4.

[5]This information reflects permanent state law in place as of October 2020, not temporary changes in voting policies that were put in effect only for the 2020 elections. The National Conference of State Legislatures represents the legislatures in the states, the District of Columbia, and the territories and commonwealths of the U.S. Its mission is to advance the effectiveness, independence and integrity of legislatures and to foster interstate cooperation and facilitate the exchange of information among legislatures. The conference compiles data on state election law and procedural issues.

[6]Charles Stewart III, *How We Voted in 2020: A First Look at the Survey of the Performance of American Elections,* December 15, 2020. The Survey of the Performance of American Elections has been administered for every presidential election since 2008. In 2020, about 18,000 registered voters across the country responded, and the survey was administered by YouGov.

disabilities, such as screen readers, and that voting materials are not always written in plain language.[7]

In light of these issues, you asked us to examine the accessibility of options for voting prior to Election Day and the accessibility of voting information. This report (1) describes the steps that selected states and local jurisdictions have taken to ensure that options for voting in person and by mail prior to Election Day are accessible to all voters with disabilities and the challenges that exist in doing so; (2) describes the steps that selected states and local jurisdictions have taken to make voting information available and accessible to all voters with disabilities and the challenges that exist in doing so; and (3) assesses the extent to which DOJ and the EAC have taken steps to assist states and local jurisdictions in ensuring the accessibility of in-person voting prior to Election Day, voting by mail, and information on voting.

To address our first objective on the steps that selected states and local jurisdictions have taken to ensure the accessibility of in-person and by-mail voting prior to Election Day, we reviewed documentation related to voting procedures and interviewed state election officials in seven states: Arkansas, California, Colorado, Delaware, Minnesota, Ohio, and West Virginia. In selecting the states, we considered variation in several factors including voter turnout among people with disabilities relative to those without disabilities, state policies on early in-person and by-mail voting, and electorate size. We also considered input from stakeholders including representatives from national organizations of state and local election officials and national disability advocacy organizations. In six of the selected states, we interviewed election officials from local jurisdictions, which were selected to achieve variety in terms of jurisdiction population size, and with input from state election officials, among other factors.[8] We also interviewed officials from advocacy groups representing people with disabilities in each of the seven selected states (state advocacy

[7]American Civil Liberties Union, *Access Denied: Barriers to Online Voter Registration for Citizens with Disabilities* (February 2015). National Disability Rights Network, *Blocking the Ballot Box: Ending Misuse of the ADA to Close Polling Places* (January 2020).

[8]We did not interview local officials in Delaware, where the state elections office administers elections in the state's three counties.

organizations).[9] We conducted these interviews with state and local election officials and state advocacy organization officials between May and October 2020. In our interviews with state, local, and advocacy organization officials, we asked about topics including efforts to ensure the accessibility of early in-person voting and voting by mail, and the challenges in doing so. Not all of the officials responded to all questions, and in some cases we asked different follow up questions of officials. The results from these states and localities are not generalizable, but provide insight into election and advocacy officials' perspectives on accessibility.

In addition, we analyzed data from the Survey of the Performance of American Elections on the experiences of voters with and without disabilities in the 2016 and 2020 general elections, including their mode of voting and challenges they faced with voting.[10] We assessed the reliability of the survey data by reviewing documentation and conducting electronic testing, and found the data to be sufficiently reliable for the purposes of providing contextual descriptive information about disabled and non-disabled voters' experiences with election administration.

To address our second objective, on the availability and accessibility of voting information, we examined information on accessible voting options available on the elections websites of our seven selected states and reviewed these states' policies regarding website accessibility. We also drew on our interviews with state and local election officials as well as officials from state advocacy organizations.

[9]These organizations—known as protection and advocacy organizations—provide advocacy and other services to improve the lives of people with disabilities and protect their rights in various areas, including voting. This system of protecting and advocating on behalf of the rights of people with disabilities was established pursuant to the Protection and Advocacy for People with Developmental Disabilities Act, as amended, and there is a designated advocacy organization for every state. See 42 U.S.C. § 15043.

[10]The Survey of the Performance of American Elections was conducted among a sample of Internet users who agreed to regularly answer surveys about public affairs for the contractor, YouGov. The survey selected respondents from those who answered online advertisements, rather than selecting them randomly from a list of the voter population. The lack of random selection means that the responses could have varied from those the full population would have given. To reflect these potential differences we report estimates adjusted for known differences between the respondents and the voter population, but limit our findings to respondents, without generalizing to the population of registered voters. We include 99 percent confidence intervals in appendix II, reflecting the range of responses expected 99 percent of the time, under an assumption that respondents were random samples from each state's target population. Appendix I provides more details on the survey and our methods.

To address our third objective on the extent to which DOJ and EAC have taken steps to assist states and localities with ensuring the accessibility of voting prior to Election Day and voting information, we reviewed resources that DOJ and the EAC have made available to states and localities regarding the accessibility of in-person voting, by-mail voting, and voting information for people with disabilities. We reviewed all 22 settlement agreements that DOJ entered into with local jurisdictions between January 2016 and November 2020 that address accessibility issues related to early in-person voting, voting by mail, and voting information—including 20 agreements identified by DOJ and two that we identified through our review of DOJ's website—to describe the specific issues identified and remedial actions required of the jurisdictions.[11] We also interviewed DOJ and EAC officials about their efforts to assist states and localities on voting accessibility and drew from our interviews with state and local officials, along with officials from state advocacy organizations to understand the extent to which federal assistance met election officials' needs.

We reviewed the EAC's efforts to provide assistance to state and local officials on voting accessibility issues in light of its prescribed role as a national clearinghouse of information about elections under HAVA. In particular, we assessed the EAC's efforts relative to agency strategic goals and internal control standards for the federal government related to external communication.[12] See appendix I for more details on our objectives, scope, and methodology.

We conducted this performance audit from January 2020 to June 2021 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

[11]These settlement agreements resolve cases or matters that DOJ has brought against local jurisdictions to ensure they comply with the ADA by eliminating physical and communication barriers that prevent people with disabilities from participating fully in a program or activity covered by the ADA.

[12]GAO, *Standards for Internal Control in the Federal Government*. GAO-14-704G (Washington, D.C.: Sept. 10, 2014).

Background

Authority to regulate elections is shared by federal, state, and local officials in the United States. The responsibility for the administration of federal and state elections resides at the state level, and states regulate various aspects of elections, including, for example, absentee and early voting requirements and Election Day procedures. Within each state, primary responsibility for planning, managing, and conducting elections largely resides with local officials at the county level or in minor civil divisions like cities and towns. These localities implement both Election Day processes as well as any voting processes that occur before Election Day, such as absentee and early in-person voting.

Federal Laws Related to Voting Accessibility for People with Disabilities

While federal elections are generally conducted under state laws and policies, several federal laws apply to voting and some provisions specifically address accessibility issues for voters with disabilities. The ADA and HAVA are two key federal laws with implications for the accessibility of different aspects of the voting process.[13]

- Title II of the ADA requires that state and local governments ("public entities") ensure that people with disabilities are not excluded from participation in or denied the benefits of voting services, programs, or activities, or subjected to discrimination by any public entity.[14] Public entities are required to select and use facilities for their services, programs, or activities that will not exclude people with disabilities. Under the ADA, DOJ has promulgated regulations that outline specific accessibility requirements for the facilities that public entities use, including as polling places.[15] Public entities are required to make

[13]In addition to the Americans with Disabilities Act of 1990 and the Help America Vote Act of 2002, discussed further in this section, the Voting Rights Act of 1965 (Pub. L. No. 89-110, 79 Stat. 437 (codified as amended at 52 U.S.C. §§ 10101-702)) and the Voting Accessibility for the Elderly and Handicapped Act (Pub. L. No. 98-435, 98 Stat. 1678 (codified as amended at 52 U.S.C. §§ 20101-07)) also address accessibility requirements for voters with disabilities. See GAO-18-4.

[14]Pub. L. No. 101-336, 104 Stat. 327 (codified at 42 U.S.C. §§ 12101-12213).

[15]See generally 28 C.F.R. part 35.

reasonable modifications (commonly known as "accommodations") of their voting policies, practices, and procedures, including absentee and by-mail voting procedures, when necessary to avoid discrimination against a person with a disability.[16] Under the ADA, public entities are required to use appropriate auxiliary aids and services with people who have communication disabilities in order to ensure that such communications are as effective as communications with others.[17]

- HAVA outlines minimum standards for voting systems for federal elections, stating that the voting system must be accessible for people with disabilities, including the blind and visually impaired, in a manner that provides the same opportunity for access and participation—including the opportunity to vote privately and independently—as for other voters.[18] This requirement may be satisfied through the use of at least one direct recording electronic device or other voting system equipped for people with disabilities at each polling place.

State Laws and Policies on Voting Prior to Election Day

All states allow for some form of voting prior to Election Day, whether in person or by mail or both, according to the National Conference of State

[16]In certain circumstances, public entities are not required to take any action that they can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens. 28 C.F.R. §§ 35.130(b)(7)(i), 35.150(a)(3), and 35.164. But for problems with physical accessibility, if permanent changes are required, they must be made to be readily accessible to and usable by individuals with disabilities, as required by relevant ADA accessibility standards. 28 C.F.R. § 35.150(b)(1). Additionally, facilities constructed after 1992 by, on behalf of, or for the use of public entities must generally be designed and constructed in such manner that the facility or part of the facility is readily accessible to and usable by individuals with disabilities. See 28 C.F.R § 35.151(a).

[17]See 28 C.F.R. §§ 35.160-35.164. In 2010, DOJ promulgated revised regulations for Title II and Title III of the ADA, which included the adoption of the *2004 ADA Accessibility Guidelines* and the requirements contained in the Title II regulation, 28 C.F.R. §35.151, to update accessibility standards as part of the *2010 ADA Standards for Accessible Design* (2010 Standards). The 2010 Standards—which became effective in March 2012—revised the minimum accessibility requirements, such as specifications for sloped surfaces, new construction or construction modifications to state and local government facilities, public accommodations, and commercial buildings that had been established in the *1991 ADA Standards for Accessible Design.* See 2010 ADA Standards for Accessible Design (Appendices B and D to 36 C.F.R. part 1191 and the requirements provided in 28 C.F.R. § 35.151); and 1991 ADA Standards for Accessible Design (28 C.F.R, part 36, app. D)

[18]52 U.S.C. § 21081(a)(3).

Legislatures. States vary in the extent to which they offer in-person voting prior to Election Day. As of October 2020, the majority of states (43 and the District of Columbia) had state laws that provided all voters the option of casting ballots in person prior to Election Day.[19] The period of early in-person voting varies across the states between 4 and 45 days, typically ends a few days before Election Day, and may include weekends.

In addition to in-person early voting options, all states offer some options for voting absentee or by mail, according to information compiled by the National Conference of State Legislatures.[20] Five states conduct their elections entirely by mail (referred to as "vote by mail"), meaning they send ballots to all registered voters for every election.[21] Among the states that do not routinely conduct their federal elections by mail, several conduct statewide elections by mail in certain circumstances, such as for special elections, or allow counties to decide whether to conduct elections by mail.[22] Additionally, states that do not routinely conduct their elections by mail allow at least some registered voters to cast absentee ballots by mail (referred to as "absentee voting"), but qualification requirements for absentee voting vary. In 29 states and the District of Columbia, all registered voters may request to vote absentee, without providing a reason. In the remaining 16 states that do not routinely conduct their elections by mail, voters must provide an approved reason for voting absentee, which in all of these states may include being outside the

[19]The information discussed in this paragraph and the following paragraph, which is based primarily on information compiled by the National Conference of State Legislatures, reflects permanent state law in place as of October 2020, not temporary changes in voting policies that were put into effect only for the 2020 elections.

[20]In 2020, some states temporarily expanded by-mail voting options in response to COVID-19, such as by mailing absentee ballot applications to voters proactively or expanding eligibility for absentee voting, according to the National Conference of State Legislatures.

[21]These states are Colorado, Hawaii, Oregon, Utah, and Washington. States that mail ballots to all registered voters may also provide options for in-person voting, both prior to and on Election Day.

[22]California and North Dakota allow all counties to conduct their elections by mail, and Nebraska offers this option to counties with populations below a certain limit.

voter's home county on Election Day or having an illness or disability.[23] All states have procedures in place for absentee and by-mail ballots to verify the identity of the voter submitting the ballot, including verifying that the signature on the ballot matches the signature the state has on file for the voter in its registration system, or requiring that the voter obtain a witness signature.

Accessibility Requirements and Guidelines for Voting Information

State and local election officials may provide information to voters about the process of voting, such as how to register, what is on the ballot, where to vote, and how to vote, through various formats including websites, social media, and direct paper mailings. Pursuant to the ADA, state and local governments, including elections offices, are generally required to ensure effective communication with people with disabilities, including information posted on state and local websites.[24] However, there are no specific federal standards that govern how state and local governments are to ensure effective communication of information available on websites pursuant to the ADA.

DOJ has considered promulgating regulations that would establish technical standards for how state and local governments are to ensure accessibility of their web-based information, but as of 2020 was still

[23]Some states that do not have state laws that provide for early, in-person voting had state laws that offer voters who qualify to cast an absentee ballot the opportunity to complete or return an absentee ballot in person prior to Election Day. See, e.g., Rev. Stats. N.H. 669:26. Also, according to the National Conference of State Legislatures, some states offer voters the option to be placed on a permanent absentee ballot mailing list. Voters who ask to be included on these lists are automatically mailed absentee ballots for future elections. Some states make this option available to all voters, others make it available only to voters who meet certain requirements, including having a disability or being a senior citizen.

[24]See 28 C.F.R. §§ 35.160-35.164.

assessing the need for such standards.[25] Nonetheless, the federal government has issued Information and Communication Technology accessibility standards that apply to electronic and information technology procured for the federal government, including websites, and state and local election officials may voluntarily adopt these standards to help improve their websites' accessibility. These standards are spelled out in section 508 of the Rehabilitation Act of 1973 (Section 508), as well as in the Web Content Accessibility Guidelines (WCAG).[26] The WCAG, for example, include a number of "success criteria" for website accessibility, such as minimum contrast levels between text and background to allow voters with visual disabilities to navigate the website content, and keyboard accessibility so that a user with a visual disability who lacks the hand-eye coordination to use a mouse can access all of the content with a keyboard.

DOJ's and EAC's Roles with Regard to Voting Accessibility

DOJ enforces the ADA, drafts regulations, and provides technical assistance to assist public entities to understand their ADA obligations, including with respect to voting programs. For example:

- DOJ's Civil Rights Division is primarily responsible for enforcing the ADA's prohibition of discrimination on the basis of disability in public services, programs, or activities, which includes investigating

[25]In 2016, DOJ issued a supplemental advanced notice of a proposed rulemaking that would set accessibility requirements for state and local government web content and sought public comment. See Nondiscrimination on the Basis of Disability; Accessibility of Web Information and Services of State and Local Government Entities, 81 Fed. Reg. 28,657 (May 9, 2016). In 2017, following a public comment period, DOJ determined that, before taking any action, it would need to collect additional feedback and continue to assess whether technical standards are necessary and appropriate to help states and localities comply with the ADA. According to DOJ officials, as of October 2020, DOJ continued to collect feedback to that end. Officials said the department has collected feedback from stakeholders including businesses, public entities, and individuals with disabilities, through a roundtable discussion and other mechanisms.

[26]Section 508, as amended, requires federal agencies to develop, procure, maintain and use information and communications technology (including websites) that is accessible to people with disabilities. See 29 U.S.C. § 794d. The U.S. Access Board established standards under Section 508 that implement the law and provide the requirements for the accessibility of websites and other technology. See 36 C.F.R. § 1194.1. WCAG are a set of guidelines developed by the World Wide Web Consortium in cooperation with individuals and organizations around the world, intended to provide a single shared standard for web content accessibility. In general, web content covered by Section 508 must conform with certain guidelines contained in WCAG.

allegations of violations under ADA requirements related to polling place physical accessibility under its Title II enforcement authority, and HAVA and ADA requirements related to accessible voting system requirements.

- DOJ also provides educational outreach and technical assistance to states and localities regarding their responsibilities under the ADA, including disseminating information through guidance documents to help local jurisdictions implement the ADA's polling place accessibility requirements.

The EAC—an independent federal commission established by HAVA—has wide-ranging duties designed to help improve state and local administration of federal elections. Among other things, the EAC is responsible for (1) serving as a national clearinghouse of and resource for federal election-related information; (2) developing voluntary voting system guidelines, including the testing and certification of voting systems based on these guidelines; and (3) periodically conducting and making publicly available studies regarding methods of ensuring accessibility of voting, polling places, and voting equipment.[27]

Given these roles, the EAC has initiated several efforts that address voting accessibility, including:

- **Resources.** As a national clearinghouse for information about elections, the EAC has developed and shared on its website various types of resources to assist election officials with ensuring the accessibility of voting. The EAC's main types of resources that address voting accessibility, among other election administration topics, are described in table 1.

Table 1: Types of U.S. Election Assistance Commission (EAC) Resources that Address Accessibility

Resource	Description
Election Management Guidelines	Published in 2009 and 2010 as a comprehensive series of documents for election officials that cover various aspects of election administration. The guidelines include a chapter dedicated to accessibility.
Quick Start Guides and other tip sheets	Tip sheets that compile best practices from state and local election officials on election administration topics in a concise format and often include links to additional guidance from the EAC or other organizations.

[27]See 52 U.S.C. § 20922. The EAC does not have legal authority to enforce implementation of the ADA or HAVA.

Resource	Description
Clearinghouse Awards	Annual awards that recognize innovations in multiple categories of election administration, including accessibility, by state and local elections offices. The EAC shares the winning submissions on its website to provide examples of successful election practices.
Blog posts	Posts on the EAC's blog that cover emerging election issues and often summarize the EAC forums or roundtable discussions with election officials, feature interviews with Clearinghouse Award winners, or discuss new election research.

Source: GAO review of EAC materials. | GAO-21-352

- **Voluntary Voting System Guidelines.** The EAC develops and maintains a set of voluntary guidelines against which voting systems can be tested and certified. In accordance with HAVA, participation in the EAC testing and certification program is strictly voluntary.[28] However, states may, by law or practice, require some participation in this program, such as by formally adopting the voluntary guidelines and making these guidelines mandatory in their jurisdictions. Under the guidelines, voting systems that are certified by the EAC must meet certain requirements, which include accessibility, among other requirements such as security and usability. The accessibility requirements include voting system features such as enhanced visual interfaces for voters with visual impairments and enhanced input and control characteristics for voters with motor impairments. The agency adopted the first version of the guidelines in 2005 and implemented updates to that version in 2015. In February 2021, the EAC adopted version 2.0 of the guidelines intended to address the latest generation of voting equipment.
- **The Election Administration and Voting Survey.** The EAC surveys election officials in all 50 U.S. states, the District of Columbia, and U.S. territories on a biennial basis following each federal election to collect state-, territorial-, and local-level election administration data, as well as information about state- and territorial-level election policies with the accompanying Election Administration Policy Survey.[29] The surveys include several questions related to how states, territories, and localities provide accessible elections, such as localities' use of accessible voting equipment, and the availability of certain voting options for voters with disabilities.

[28]See 52 U.S.C. § 20971(a)(2).

[29]The EAC administers the Election Administration and Voting Survey and the Election Administration Policy Survey to the four territories of Guam, Puerto Rico, American Samoa, and the U.S. Virgin Islands. EAC officials stated that, as of 2020, the surveys also included the Northern Mariana Islands.

Selected States and Local Jurisdictions Have Taken Steps to Make Early In-Person and By-Mail Voting Accessible, but Challenges Persist

Selected States and Localities Reported Addressing Barriers to Physical Accessibility and Providing Accessible Voting Equipment for Early In-Person Voting, but Challenges Remain

Officials we interviewed from the seven states and six local jurisdictions reported taking steps to ensure the accessibility of early in-person voting, including addressing barriers to physical accessibility, providing accessible voting equipment and other accommodations, training poll workers on accessibility, and obtaining input from disability advocacy groups.

Ensuring Physical Accessibility by Identifying and Addressing Barriers

Officials we interviewed from six of seven states reported requiring or encouraging local jurisdictions to routinely assess the physical accessibility of their early voting polling places.[30] States reported varying approaches. For example, Colorado officials said they require each polling place to be assessed before each election, whereas California officials said the state gives counties discretion over how many polling places to assess prior to each election, and Ohio officials said the state requires counties to assess polling places once every 2 years.[31] Officials from all six of these states also said they have checklists or guidelines for localities to use when assessing physical accessibility. For example, officials in Arkansas have developed a checklist that requires counties to check the accessibility of parking, the route to the building used for voting, the route inside the building, doors, and several other features, and indicate what modifications will be made to address any accessibility

[30]The remaining state, Delaware, reported that state officials inspect polling places. Officials in two of the other states also said state officials conduct accessibility reviews of at least some polling places, in addition to any reviews conducted by localities.

[31]Colorado conducts its elections by mail, but still offers the option for in-person voting.

problems identified. Counties are required to return the completed forms to the state elections office. Similarly, West Virginia officials said local jurisdictions in the state assess the accessibility of polling places with a checklist, which covers features such as parking, accessible routes, ramps, protruding objects, building entrances, and the voting area.[32] (See fig. 1 for a photo of an automatic door opener, an accessibility feature, at the building entrance of an early voting location in West Virginia.)

[32]These reported steps are consistent with findings from our prior survey of states regarding their actions to ensure the accessibility of early voting during the 2016 general election. In response to our survey, 39 states reported that they offered early in-person voting, and of these, 35 reported having accessibility requirements for polling places for early voting. See GAO-18-4.

Figure 1: Accessible Door at Jackson County, West Virginia, Early Voting Site

Source: Jackson County Clerk, West Virginia. | GAO-21-352

In our selected states, local jurisdictions are generally the entities that resolve accessibility problems. Officials we interviewed from five of six local jurisdictions said that if they identify accessibility challenges with an early voting polling place, they may address these through a temporary solution, such as setting up temporary accessible parking spaces and

installing ramps, or finding another location that is accessible.[33] Election officials in one locality described a gravel parking lot as an accessibility challenge that may force them to find a different location, while officials in another locality said a long staircase would force them to find a different location. Officials in one local jurisdiction said they are reluctant to abandon polling places that have other good features, such as being convenient to public transportation, and will attempt to resolve accessibility issues at such polling places with temporary modifications.

Ensuring an Accessible Voting Process through Voting Equipment and Other Accommodations

State and local election officials reported offering several accommodations to help people with disabilities vote in person at early polling places. Officials we interviewed from six of seven states reported providing accessible voting equipment for early voting;[34] officials from four of these states said they use ballot marking devices as the accessible equipment in most or all counties, and two said these devices are used in at least some counties.[35] Local officials told us that the accessible voting equipment they make available includes accessibility features such as screen magnification, contrast adjustment, audio, braille keypads, and sip-and-puff capacity for those with dexterity challenges.[36] (See fig. 2 for an example of a voting machine with accessibility features.) Officials from four of six localities said accessible voting equipment is used primarily by those with disabilities, while officials from the other two localities said in their jurisdictions all voters use the same equipment, which is designed to be accessible. For example, an official in one local jurisdiction told us that while any voter may opt to use the ballot marking device, most find it

[33]The sixth locality indicates on its web site that by working with the facilities that serve as polling places, it has ensured that all of its polling places are accessible to people with disabilities.

[34]Officials from Delaware said they offer only paper ballots for in-person absentee voting, which is available to people who qualify for absentee voting, but provide accessible voting machines for Election Day voting.

[35]Ballot marking devices electronically mark paper ballots, as an alternative to marking paper ballots by hand. Another type of accessible voting equipment, direct recording electronic systems, enable voters to mark their choices via a computer interface and save the choices directly to electronic memory, either with or without printing a paper copy of the ballot.

[36]A sip-and-puff device is a straw-like accessory that allows a voter to make selections by either blowing or sucking into the device.

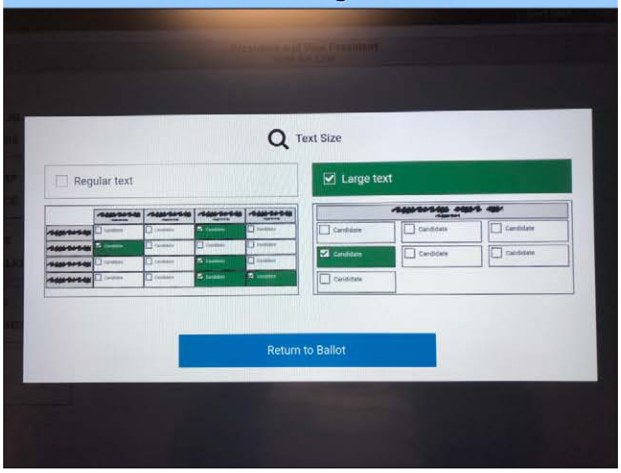
more convenient to mark a paper ballot by hand. By contrast, an official in another local jurisdiction said that all voters use the same, accessible voting equipment during early voting and on Election Day.[37]

Figure 2: Voting Equipment and Associated Accessibility Features Used in Delaware

Voting machine that has adjustable display screen for those using assistive devices and can accommodate those using wheelchairs

Console with buttons of different shapes and sizes and with connection to headphones

Screen with enlarged text size



Source: Delaware Department of Elections. | GAO-21-352

[37]According to the local official, this jurisdiction uses vote centers where voters from different precincts may use many different ballot types, and it would be challenging to have so many different paper ballot types available at each vote center.

Beyond offering accessible voting equipment, all six local jurisdictions offer assistance with the voting process to those with disabilities, according to our interviews and review of other materials such as poll worker training information.[38] For example, according to documentation we reviewed for one local jurisdiction, a poll worker may assist a voter with disabilities through the voting process, as long as the worker attests that they did not influence or advise the voter. Officials in four of seven states reported that curbside voting—an alternative to voting in person that a public entity may provide in limited circumstances for a voter with a disability who cannot access the polling place—is available in their states.[39] Officials in one local jurisdiction that offers this option explained that voters can call the polling place in advance, and then poll workers will go outside to assist the voter. Officials in Delaware, which does not provide curbside voting, said all of their polling places are accessible so this option is not necessary. Finally, officials in three of six local jurisdictions reported that they accommodate certain voters, such as those in nursing homes or hospitals, by sending poll workers to assist them at their place of residence.

Training Poll Workers and Local Election Officials

The states we contacted provide training for poll workers and local election officials that addresses accessibility issues, according to our interviews and review of training materials. All of our selected states provide training resources—such as PowerPoint slides, videos, and standards for what training should cover—that local jurisdictions may use to train their poll workers. Five of seven states also deliver training to local election officials such as county clerks, through classroom or online courses. The states' training resources for poll workers and local election officials address a variety of accessibility issues, including ensuring physical accessibility at polling places, interacting appropriately with people with disabilities, operating accessible voting equipment, providing

[38]Officials from Delaware, where elections are administered by the state, also told us they offer assistance with the voting process.

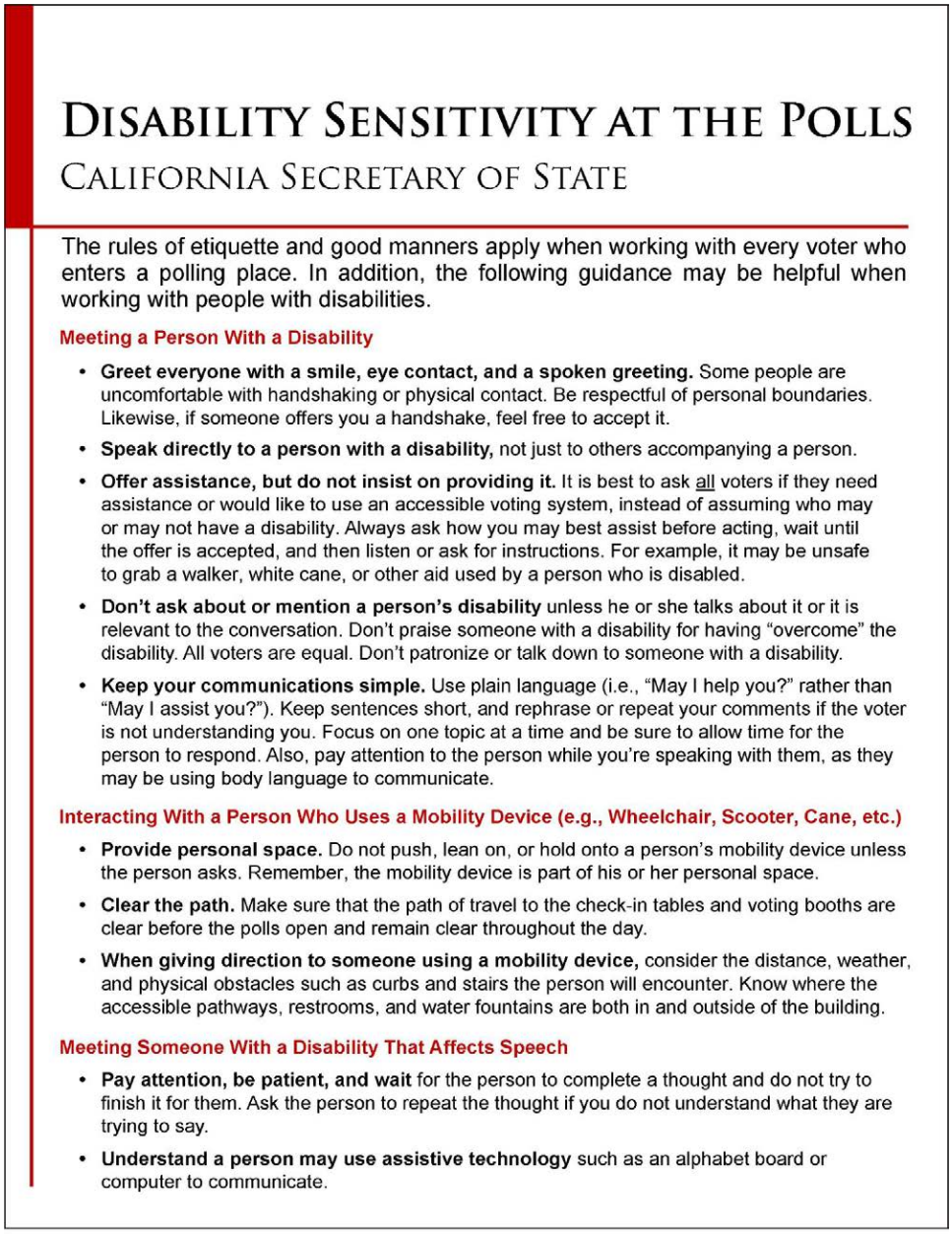
[39]According to DOJ guidance, curbside voting is permissible when it is infeasible for a public entity to provide a physically accessible building for voting and a voter with a disability prefers in-person to absentee voting. Curbside voting must include, among other things, signage indicating the availability of this option, a means such as a doorbell for the voter to announce their presence, prompt response by poll workers, and a portable and accessible voting system that allows the voter to cast a ballot privately and independently. DOJ, *The Americans with Disabilities Act and Other Federal Laws Protecting the Rights of Voters with Disabilities,* October 10, 2014.

assistance to voters with disabilities, and providing curbside voting. For example,

- Colorado's state elections office offers county election officials online training modules focused on accessibility issues that cover voting accessibility laws, accessibility surveys, physical accessibility in areas such as parking lots and paths of travel, disability etiquette including the appropriate language to use when discussing disability, and accessibility features of voting equipment, among other things.
- California's standards for what local jurisdictions should cover in poll worker training include a section on accessibility, which addresses topics such as physical accessibility of the polling place, curbside voting, accessible voting equipment, and disability sensitivity. California also has a guidance document on disability sensitivity at polling places that addresses how to interact appropriately with people with different types of disabilities (see fig. 3).
- Ohio provides online training modules for poll workers that cover accessibility topics such as the accessibility of the exterior and interior of polling places, assistance for voters with disabilities, curbside voting, and communication with voters with disabilities.[40]

[40]In our prior survey regarding states' actions to ensure accessible voting in the 2016 election, 31 of 39 states offering early in-person voting reported that they trained election officials on voter access methods for people with disabilities in early in-person voting. Additionally, 36 of 39 states reported providing guidance to local election officials to facilitate private and independent voting for people with disabilities during early in-person voting. See GAO-18-4.

Figure 3: Excerpt from California Guidance Document Disability Sensitivity at the Polls



DISABILITY SENSITIVITY AT THE POLLS

CALIFORNIA SECRETARY OF STATE

The rules of etiquette and good manners apply when working with every voter who enters a polling place. In addition, the following guidance may be helpful when working with people with disabilities.

Meeting a Person With a Disability

- **Greet everyone with a smile, eye contact, and a spoken greeting.** Some people are uncomfortable with handshaking or physical contact. Be respectful of personal boundaries. Likewise, if someone offers you a handshake, feel free to accept it.
- **Speak directly to a person with a disability,** not just to others accompanying a person.
- **Offer assistance, but do not insist on providing it.** It is best to ask all voters if they need assistance or would like to use an accessible voting system, instead of assuming who may or may not have a disability. Always ask how you may best assist before acting, wait until the offer is accepted, and then listen or ask for instructions. For example, it may be unsafe to grab a walker, white cane, or other aid used by a person who is disabled.
- **Don't ask about or mention a person's disability** unless he or she talks about it or it is relevant to the conversation. Don't praise someone with a disability for having "overcome" the disability. All voters are equal. Don't patronize or talk down to someone with a disability.
- **Keep your communications simple.** Use plain language (i.e., "May I help you?" rather than "May I assist you?"). Keep sentences short, and rephrase or repeat your comments if the voter is not understanding you. Focus on one topic at a time and be sure to allow time for the person to respond. Also, pay attention to the person while you're speaking with them, as they may be using body language to communicate.

Interacting With a Person Who Uses a Mobility Device (e.g., Wheelchair, Scooter, Cane, etc.)

- **Provide personal space.** Do not push, lean on, or hold onto a person's mobility device unless the person asks. Remember, the mobility device is part of his or her personal space.
- **Clear the path.** Make sure that the path of travel to the check-in tables and voting booths are clear before the polls open and remain clear throughout the day.
- **When giving direction to someone using a mobility device,** consider the distance, weather, and physical obstacles such as curbs and stairs the person will encounter. Know where the accessible pathways, restrooms, and water fountains are both in and outside of the building.

Meeting Someone With a Disability That Affects Speech

- **Pay attention, be patient, and wait** for the person to complete a thought and do not try to finish it for them. Ask the person to repeat the thought if you do not understand what they are trying to say.
- **Understand a person may use assistive technology** such as an alphabet board or computer to communicate.

Source: California Office of the Secretary of State. | GAO-21-352

All six local jurisdictions we contacted address accessibility issues in the training they provide to their poll workers, according to our interviews and review of training materials. The localities' training covers topics such as

physical accessibility of polling places; disability etiquette; and accessible voting equipment, which typically involves hands-on practice. For example, in one local jurisdiction the county clerk uses slides and other materials to train poll workers on topics including setting up signs for accessible parking spaces, assisting voters with disabilities, operating the accessibility features of voting equipment, and treating voters with disabilities respectfully. Another local jurisdiction uses a combination of in-person sessions and videos to train poll workers, covering accessibility topics such as setting up the voting area so it is accessible to people using wheelchairs, assisting voters with disabilities, interacting appropriately with voters with disabilities, and implementing curbside voting.

Obtaining Input from Disability Community

Six of seven states reported that they obtain input from disability advocacy groups regarding the accessibility of in-person voting, such as on the physical accessibility of polling places or on voting equipment. For example, officials in West Virginia said that because of limited state resources, they have partnered with the state's designated advocacy organization for people with disabilities to assess the physical accessibility of polling places and develop recommendations for addressing accessibility challenges. Also, officials in Arkansas said that their state advocacy organization evaluated the physical accessibility of polling places in 2018, and, in response to the organization's findings, the state has stopped using one polling place and updated its training courses for county election officials. A Colorado state election official told us that whenever the state makes changes in its voting equipment, it conducts a public demonstration with disability advocacy groups during which advocates ask questions and provide input on the accessibility of the equipment.

Officials from the state advocacy organizations in all of our selected states said they have provided input to state election officials on voting accessibility, and officials from six of seven said they have shared such input with local jurisdictions. For example, one state advocacy organization said that it works with the state to assess the accessibility of the exterior of polling places, and then reports any accessibility challenges to county clerks whom they can then work with to resolve the issues.

While the states and localities have made efforts to ensure accessibility of early in-person voting, officials we interviewed from the states, localities,

and state advocacy organizations reported continuing challenges in the areas of physical accessibility of polling places, voting equipment, and curbside voting.

Challenges with Physical Accessibility

Officials from three of seven states, five of six localities, and five of seven state advocacy organizations told us that ensuring the physical accessibility of polling places can be a challenge, due to insufficient accessible parking, inaccessible building entrances, and steps up to polling place entrances. Officials also stated that physical accessibility may be especially challenging in polling places in rural areas or in older buildings. For example, officials in Arkansas told us their most significant accessibility challenge is that the only facilities appropriate to serve as polling places in rural areas are often older buildings with inaccessible gravel parking lots; they noted that localities may be able to address this problem with temporary solutions such as putting down large rubber mats. A state advocacy official in one state told us that based on the agency's surveys of polling places, common accessibility challenges include gravel parking lots, inaccessible doorknobs, stairs to polling place entrances, and ramps that are too steep. Officials at another state advocacy organization said that based on their accessibility surveys of polling places, the most common challenges are doors that are too heavy and insufficient accessible parking in a major city's central business district.[41]

[41]Some of these reported challenges are consistent with results from the 2020 Disability and Voting Accessibility Survey of voting-eligible citizens that was supported by the EAC. For example, 3.2 percent of survey respondents with a disability reported "difficulty getting inside the polling place (for example, steps)" compared to 0.4 percent of respondents without disabilities. Following the 2020 general election, the EAC contracted with researchers from Rutgers University to study the recent voting experience for voters with disabilities. The survey was conducted by Rutgers University and the survey firm SSRS. It included a representative sample of 1,782 respondents with disabilities and 787 respondents without disabilities. See Lisa Schur and Douglas Kruse, *Disability and Voting Accessibility in the 2020 Elections: Final Report on Survey Results*, submitted to the U.S. Election Assistance Commission (Rutgers University: Feb. 16, 2021; see https://www.eac.gov/election-officials/us-election-assistance-commission-study-disability-and-voting-accessibility-2020). These challenges are also consistent with the potential impediments to accessibility we found in our inspection of polling places during the 2016 election. We found the most common potential impediments outside the polling places to be steep ramps located outside buildings, lack of signs indicating accessible paths, and poor parking or path surfaces. See GAO-18-4.

Officials from six of seven of our selected states said early voting sites tend to have few accessibility challenges.[42] For example, a Colorado election official told us that counties typically use fewer polling places for early voting than for Election Day, so they can therefore use only their best and most accessible polling places for early voting but may need to open some polling places with minor accessibility challenges on Election Day. Also, officials from six of seven states reported that government buildings such as county courthouses or elections offices are commonly used for early voting. A state official from Minnesota said county government buildings are used for voting in the state, and these are required by the ADA to be accessible.[43] Data from the Survey of the Performance of American Elections also show that certain types of government buildings are more likely to be used for voting prior to than on Election Day. According to our analysis of the 2020 election survey, 39 percent of respondents who voted in person prior to Election Day reported voting in "other government office (courthouse, municipal building, city hall, etc.)" compared to 11 percent of respondents who voted in these offices in person on Election Day. Data from the 2016 survey also show that such government buildings were more likely to be used for voting prior to rather than on Election Day.[44]

Challenges with Voting Equipment

Officials from state and local elections offices, state advocacy organizations, and national advocacy organizations raised a variety of concerns about accessible voting equipment. One concern, mentioned by officials from five of seven state advocacy organizations, is that some poll workers may not set up or operate accessible voting equipment properly. For example, an official at one state advocacy organization told us that, during early voting, the accessible voting equipment may not be set up and available for voters with disabilities, potentially because poll workers

[42]With regard to the 2016 election, we previously reported that a higher percentage of polling places we examined during early in-person voting than on Election Day had at least one impediment to accessibility across three of four zones outside the voting area (the path to the building entrance, the building entrance, and the path from the building entrance to the voting area). Our results were not generalizable. See GAO-18-4.

[43]As discussed previously, public entity facilities, such as courthouses and other government buildings, are generally required to be readily accessible to and usable by individuals with disabilities. See 28 C.F.R. §§ 35.150, 35.151.

[44]See appendix II for 99 percent confidence intervals for all the survey estimates discussed in this report.

work with the equipment infrequently and are therefore not familiar with it. An official at another state advocacy organization said she was aware of instances when poll workers encouraged voters with disabilities to get help from someone else with filling out the ballot rather than use the accessible voting equipment, because the poll workers did not know how to use the equipment. Also, a Minnesota election official said that despite training, poll workers may not be familiar with accessible voting equipment if they do not work with it often, and this can lead to delays in the voting process for those with disabilities.[45]

A second concern, cited by election officials from three of six localities, is that the accessible voting equipment they presently provide is not user-friendly for people with disabilities. Officials in one locality said that using their accessible equipment is not intuitive, and people with visual impairments may have problems navigating from screen to screen and understanding which buttons to press to operate the equipment.

Finally, a third concern, raised by officials at two national disability advocacy organizations, is that when accessible voting machines are used only or primarily by voters with disabilities, while others mark paper ballots by hand, the confidentiality of voters with disabilities may be compromised. Their ballots are of a different format and can be clearly distinguished from others' ballots, according to these national organization officials. Election officials in California told us they encourage local jurisdictions to promote the use of accessible voting equipment among people without disabilities as well as those with disabilities, to address this confidentiality issue.

Our analysis of 2020 Survey of the Performance of American Elections data also suggested voters with disabilities may face challenges with voting equipment. Respondents with disabilities were more likely to report problems with voting equipment than those without disabilities (3.9 percent of respondents with disabilities versus 2.0 percent of those without disabilities). Data from the 2016 survey also show that respondents with disabilities were more likely to report problems with voting equipment.

[45]Similarly, with regard to the 2016 election, we previously reported that 7 percent of polling places we examined had a voting system that was not turned on or powered up, and 9 percent had a voting system with earphones that were not attached or prominently visible. We did not observe a nationally representative sample of polling places, so our results were not generalizable. See GAO-18-4.

Challenges with Curbside Voting

Officials from three of six localities and four of seven state advocacy organizations noted a range of potential challenges with curbside voting. For example, one local official told us that taking two poll workers temporarily out of the polling place to implement curbside voting disrupts voting in the polling place and causes delays. Officials at another locality said curbside voting has become more challenging with the advent of electronic poll books, which require poll workers to have an electronic device with an Internet connection outside.[46] State advocacy officials also mentioned challenges related to the impact on voting in the polling place, such as delays due to poll workers going outside to assist with curbside voting, and the difficulty of moving voting equipment outside. In addition, they cited challenges with voters not being able to notify poll workers of their need for assistance, due, for example, to inoperable door bells, and with limited poll worker training on curbside voting.

Voting by Mail Has Increased Accessibility for Some Voters with Disabilities, and Selected States Have Taken Steps to Address Accessibility Challenges with This Mode of Voting

Enhancing Accessibility through Voting by Mail

By providing options for voting by mail, states have enhanced voting accessibility for some people with disabilities, according to some studies we reviewed. Evidence suggests that voting by mail has historically been an accessible option for at least some voters with disabilities, and that people with disabilities have been more likely to use this option than those without disabilities. For example, 53 percent of respondents with disabilities who reported voting had voted by mail or absentee ballot in the 2020 general election, compared to 45 percent of those without disabilities who reported voting, according to our analysis of data from the Survey of the Performance of American Elections. Data from the 2016

[46]A poll book is a list of eligible voters assigned to a local election jurisdiction and is commonly organized alphabetically or by the address of the voters. Jurisdictions use either paper or electronic poll books—most often laptops or tablets—to check in voters.

survey also showed that people with disabilities were more likely to vote by mail than those without disabilities.[47] Additionally, some studies have found that voters with disabilities have been more likely to vote by mail than other voters in previous elections as well.[48] For example, one study found that voters with disabilities were more likely to vote by mail than voters without disabilities in presidential and midterm elections between 1998 and 2012.[49] Another study found that state policies that make it easier to vote by mail—including voting by absentee ballot without requiring an excuse and all vote-by-mail—were associated with higher voter turnout, especially among people with disabilities in the 2010 election. This outcome suggests that such policies have promoted turnout among this population even more than among those without disabilities.[50]

Voting by mail may be more accessible than in-person voting for some people with disabilities because it helps overcome barriers to getting to the polls. Transportation to the polls can be an obstacle to voting for people with disabilities, according to officials we interviewed at four of seven state advocacy organizations. Officials from one national advocacy organization told us that voting by mail is a good option for voters with disabilities because transportation to the polls can be a challenge for voters with disabilities who do not drive or who have other mobility impairments, especially in rural areas with limited public transportation. Similarly, according to our analysis of data from the 2020 Survey of the Performance of American Elections, 7 percent of respondents with disabilities who did not vote said transportation was their main reason for not voting, compared to 5 percent of those without disabilities who did not vote. Data from the 2016 survey also show that respondents with disabilities were more likely to cite transportation as a major reason for not voting than those without disabilities.

[47]According to the 2016 survey, 27 percent of respondents with disabilities who voted did so by mail, compared to 20 percent of those without disabilities.

[48]Schur, Lisa, Mason Ameri, and Meera Adya, "Disability, Voter Turnout, and Polling Place Accessibility," *Social Science Quarterly,* vol. 98, no.5 (2017): pp. 1,374-1,390. Miller, Peter and Sierra Powell, "Overcoming Voting Obstacles: The Use of Convenience Voting by Voters with Disabilities," *American Politics Research,* vol. 44, no. 1 (2016): p. 28.

[49]Miller and Powell, "Convenience Voting."

[50]Schur, Lisa and Douglas Kruse, "Disability and Election Policies and Practices," book chapter (2014): pp. 188-222.

However, voting by mail has also presented challenges for certain voters with disabilities, related to completing paper ballots and the signature verification process, and states have taken steps to address these issues.

Challenges with Using Paper Ballots for Voting by Mail

Some voters with disabilities face challenges with voting by mail using paper ballots, according to officials from three of seven state advocacy organizations, two of seven state elections offices, and three national advocacy organizations we interviewed. For example, officials from one state advocacy organization told us that people with visual impairments may have difficulty marking a paper ballot and need assistance, potentially preventing them from voting independently. In addition, a national advocacy organization said that traditional voting by mail can be difficult for individuals with manual dexterity or visual impairments.[51]

Officials from most of the states we contacted said they have implemented a voting option intended to provide accessible remote voting for people with disabilities, which can help address the challenge of paper ballots.[52] With this option, typically a voter receives their ballot through the Internet and marks the ballot electronically. Officials from six of seven states reported implementing such an option; one state reported it had done preliminary research on options for implementing such an approach in the future. The states offered a mix of options for returning the marked ballot, with four requiring voters to print out and return the ballot in paper form, and two allowing voters to return their marked ballots via the internet. For example, a Colorado election official told us that in the state, a voter who identifies as having a disability may request that a ballot be e-mailed to them; the voter marks the ballot electronically; and then the voter may print and mail back the ballot or return it to one of the 24-hour

[51]The EAC-supported Disability and Voting Accessibility Survey of voting-eligible citizens in the 2020 general election also found that voters with disabilities were more likely than others to experience challenges when voting by mail. Of respondents with disabilities who voted by mail, 5.4 percent reported “difficulty in voting (receiving, reading, understanding, filling out, or returning ballot),” compared to 2.1 percent of respondents without a disability who voted by mail. See Schur and Kruse, 2021.

[52]States use various terms to refer to such options. For example, Delaware refers to its approach as an accessible electronic ballot marking and return tool, while California uses the term remote accessible vote-by-mail.

drop boxes located in each county.[53] Four of the six states that have implemented an accessible remote voting option said they did so at least partly in response to advocacy by disability groups. West Virginia officials told us that a disability advocacy group requested an approach for remote voting that would allow people with disabilities to vote privately, and that—in response to potential litigation—the state enacted legislation allowing for people with qualifying physical disabilities to receive their ballots electronically.

While these accessible remote voting options have some potential to help voters with disabilities, election officials and state advocacy organizations identified some challenges with their implementation. Officials from four of seven states said security concerns have been a challenge with putting in place an accessible remote voting option. For example, a Delaware official said the state has offered an accessible remote voting option for people with disabilities since 2012, and the state elections office works on an ongoing basis with state technology staff to ensure the security of this option. Arkansas officials told us that the state does not currently offer such an option, and while they are researching options for doing so, they are concerned about the implications for election security. In addition, officials from two of seven jurisdictions said that printing out and mailing a ballot marked electronically could be a challenge for some people with disabilities. For example, officials from one state advocacy organization said it can be hard for some people to physically put the ballot in an envelope.

Challenges with Signature Verification Requirements

Officials in five of our seven selected states told us their states have signature verification requirements for voting by mail, and officials from four of seven state advocacy organizations and five of six local jurisdictions said such requirements can present a challenge for some voters with disabilities. These requirements can present particular challenges for people with disabilities because their signatures may change over time, according to officials from the four state advocacy organizations that mentioned this as a challenge. For example, an official from one state advocacy organization said signatures may vary from year to year due to factors including disability, which may result in ballots being rejected. An official from one local jurisdiction cited the example of a voter

[53]Legislation enacted in Colorado in May 2021 allows an eligible voter with a disability, as defined in the law, who receives a ballot through an electronic voting device to return the ballot by electronic transmission. 2021 Colo. Legis. Serv. 21-188 (Senate Bill 21-188).

whose mail-in ballot was rejected because he suffered a brain injury and his ballot did not pass the signature matching process. In this case, the locality advised to have a witness attest to the voter's identity. According to data published by the EAC, of all absentee ballots returned and submitted for counting in the 2018 general election nationally, 1 percent were rejected, and non-matching signatures accounted for 16 percent of these rejections; however, these data do not indicate whether or not voters whose signatures failed to match were voters with disabilities.[54]

Some states reported that they have adjusted their requirements in ways that may alleviate signature verification problems for voters with disabilities. For example, officials from two of the four states with signature verification requirements reported making allowances in their requirements for voters with disabilities, such as allowing them to sign with a mark. Additionally, an official from Minnesota, one of the states that formerly had a signature verification requirement, told us the state replaced its signature verification requirement with a requirement to provide either a driver's license number or the last four digits of the voter's Social Security number. The official said that in the past—due to a lack of statewide standards—local jurisdictions varied in how they assessed whether signatures matched. The official added that health issues were a reason signatures might be found not to match. In addition, officials in two of four localities where signature verification requirements are in effect noted that they have procedures for voters to resolve any issues that could lead to their ballots being rejected. For example, an official in one county said the county notifies voters whose ballots were rejected and invites them to attend a hearing where they can present information to contest the rejection.

Nonetheless, officials from three state advocacy organizations said they believe additional changes are needed. One state advocacy official said she would like to see her state change its signature verification requirement, such as by allowing those with disabilities to sign with a stamp that the state retains on file. Similarly, a 2020 Stanford Law School report found that counties in California—one of our selected states—varied in how they train poll workers on signature verification, their approach to evaluating signatures, and their procedures for notifying voters of issues with signatures on their absentee ballots. The report

[54]Election Assistance Commission, *Election Administration and Voting Survey 2018 Comprehensive Report.*

recommended, among other things, that the state publish a set of signature verification guidelines for the counties.[55] The California Secretary of State's office adopted regulations on an emergency basis for the November 2020 election that addressed signature verification procedures, and California election officials told us that the Secretary is in the process of making these regulations permanent.

Selected States and Local Jurisdictions Have Taken Varied Steps to Make Voting Information Available and Accessible but Face Challenges in Ensuring Both

Selected States and Localities Make Information about Accessible Voting Options Available through Websites and Other Efforts, but Face Challenges Raising Awareness of Some Options

Election officials from the selected states and local jurisdictions we interviewed stated that they have taken various steps to make information about accessible voting options available to voters with disabilities. Officials from the seven selected states and six local jurisdictions we interviewed told us that they provide voting information through a variety of formats, including state and local government websites, social and traditional media, paper mailings, and presentations to groups representing people with disabilities. In particular, all of the selected states and local jurisdictions provide voting information through a website and four out of seven selected states told us that their state elections websites were the state's primary means of providing voting information. Further, all of the selected states' elections websites included information about accessible voting options. Also, the selected local jurisdictions with larger populations had more information about accessible voting options on their websites than those with smaller populations, which had less

[55]Stanford Law School/Law and Policy Lab, *Guaranteeing Access While Preserving Integrity: A Case Study of California's Every Vote Counts Act* (May 15, 2020).

information about these options or redirected voters to the state websites for information about accessible voting options.

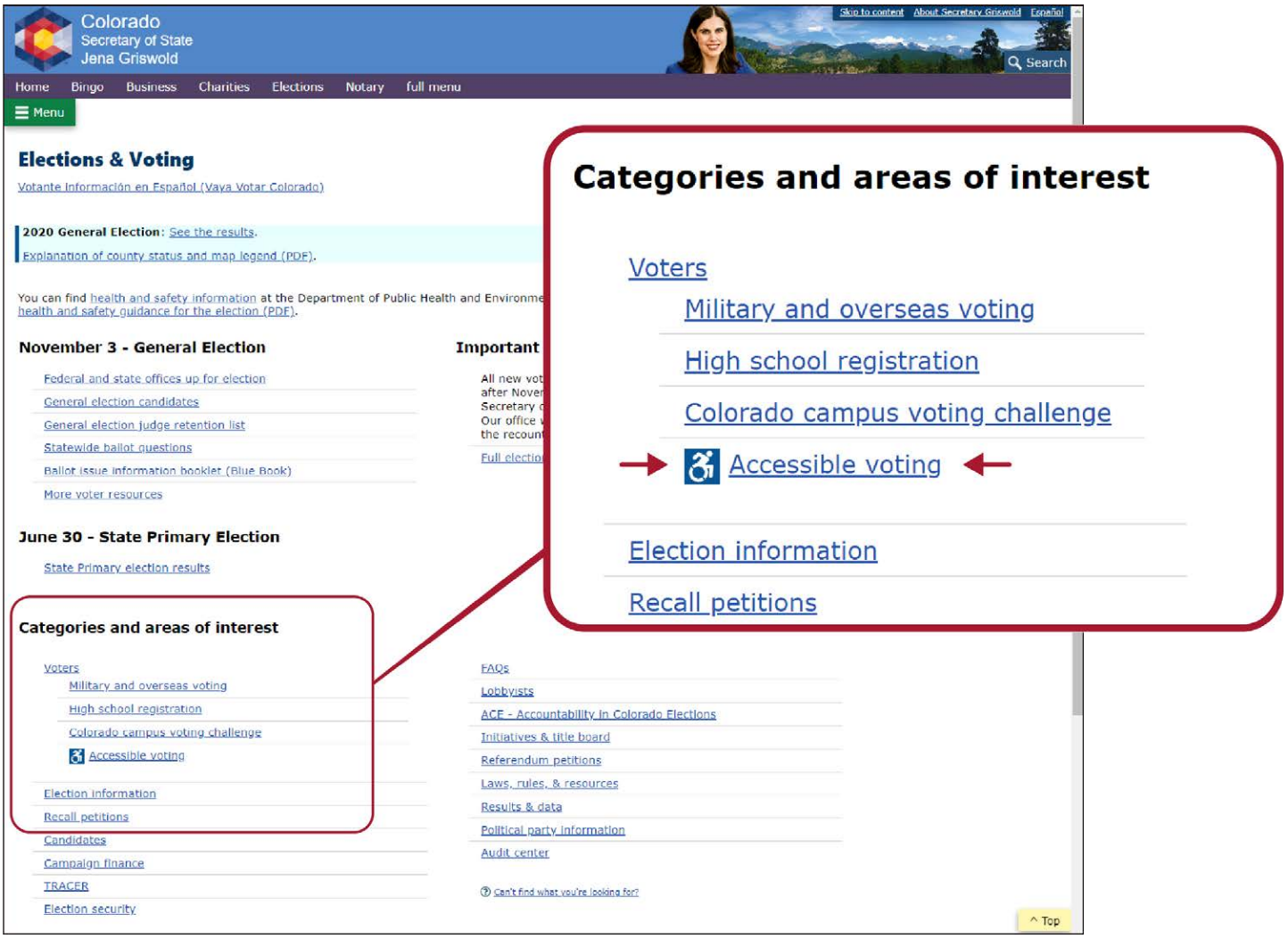
Information about Accessible Voting Options on Elections Websites

We found that all of the selected states' websites provided information about accessible voting options. The information included, for example, details about the accessibility of polling places, accessible voting equipment, curbside voting, and remote accessible voting options. Also, the information that the selected states provided about specific accessible voting options varied. For example, the California elections website provided step-by-step guides for using the various accessible voting equipment in each of its counties. On the other hand, Arkansas' elections website provided an interactive map of the various counties in the state that allowed voters to determine which type of voting equipment is available in each county.

Placement of Information about Accessible Voting Options on Elections Websites

The placement of information about the selected states' accessible voting options on their elections websites also varied. We found that four of the seven selected states' elections websites included a resource page specifically for voters with disabilities, which provided information on accessible voting options. For example, Colorado's elections website included a link to a page dedicated to accessible voting (as shown in fig. 4 below). The other three selected states placed information about accessible voting options throughout their elections websites.

Figure 4: Example of State Elections Website with Link to Accessible Voting Resource Page



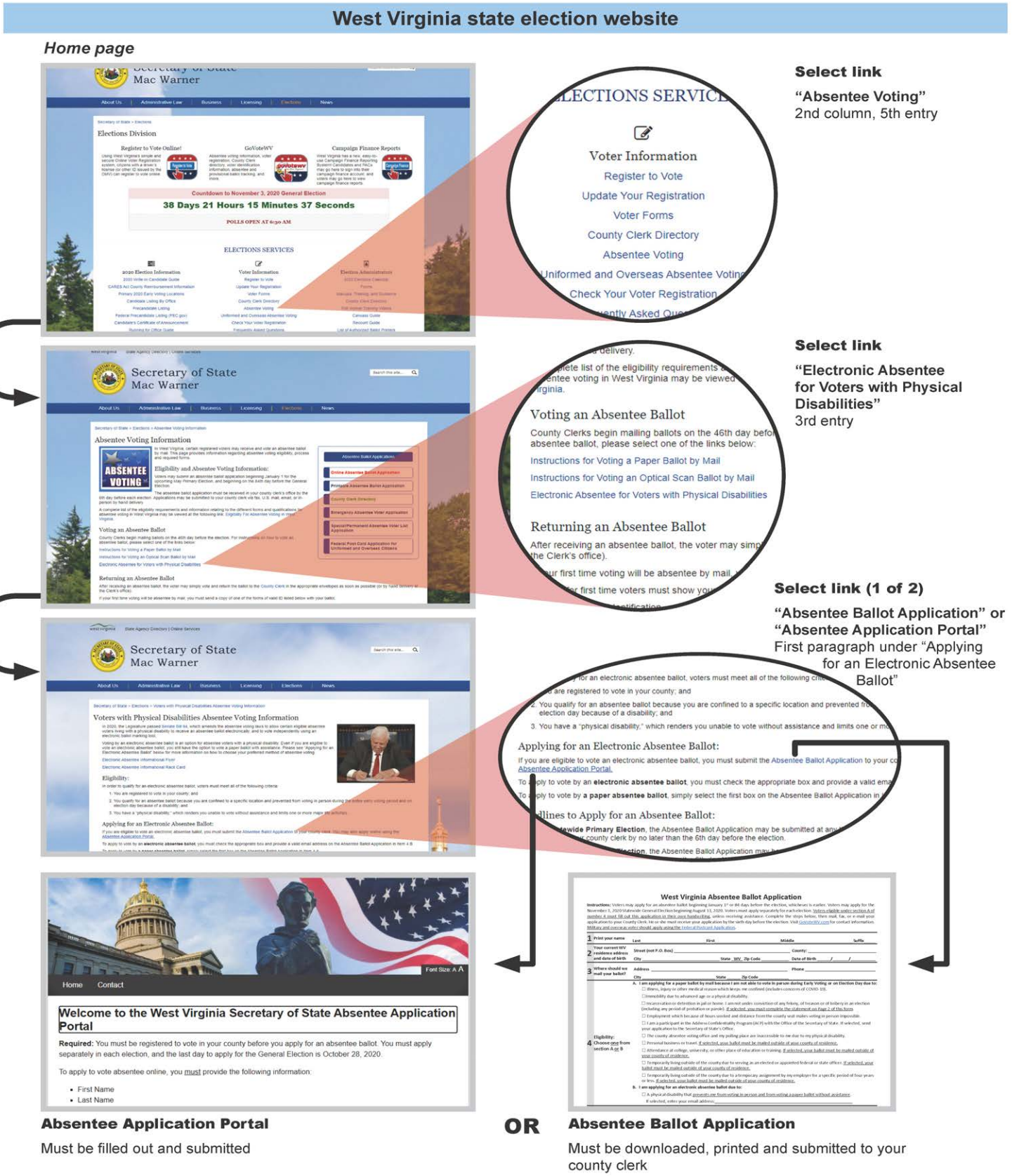
Source: Colorado Office of the Secretary of State. | GAO-21-352

These varying approaches taken by states affected the placement of information about the availability of a remote accessible voting option on their elections websites. For example, Ohio included a link to a page about its remote accessible voting option on its webpage dedicated to information for voters with disabilities (as shown in fig. 5 below). West Virginia, on the other hand, included a link to information about its remote accessible voting option on a webpage with information on absentee voting for all voters (as shown in fig. 6 below).

Figure 5: Placement of Information about Remote Accessible Voting on Ohio's Elections Website

Source: Ohio Office of the Secretary of State. | GAO-21-352

Figure 6: Placement of Information about Remote Accessible Voting on West Virginia's Elections Website



Source: West Virginia Office of the Secretary of State. | GAO-21-352

Challenges with the Availability of Information about Accessible Voting Options

Officials from selected state advocacy organizations identified challenges with the availability of information on accessible voting options. In particular, officials from three of the seven selected state advocacy organizations stated that information about accessible voting options on state elections websites was limited. For example, an official from a state advocacy organization in one state said the state elections website does not provide information about the accessibility features of voting equipment. Officials from another state advocacy organization said their state's elections website does not have extensive information about accessible voting options. These officials added that they would like the website to inform voters with disabilities about the assistance they may request from poll workers, for example that a voter with a disability may ask to be moved to the front of the line for voting, among other things.

Additionally, according to state advocacy organizations or local elections offices from three of the five selected states that offer a remote accessible voting option, states and local jurisdictions could better raise awareness of this voting option. For example, an official from one state advocacy organization told us that local jurisdictions missed an opportunity to raise awareness by not providing information about the availability of a remote accessible voting option in a mailer to all voters informing them of their right to request an absentee ballot due to the pandemic. Also, one local election official told us that, although information was available on the state's elections website, the state had not taken any additional steps to raise awareness about the availability of the remote accessible voting option.

Selected States and Localities Have Taken Steps to Ensure Voting Information Is Accessible but Election Officials and Advocates Reported Challenges

The selected states and local jurisdictions have taken a number of steps to ensure the accessibility of information they provide about voting to people with disabilities, including by developing accessibility policies, and undertaking practices to ensure that voting information is accessible. The accessibility of information on websites may be especially important for voters with disabilities. As noted previously, all selected state and local jurisdictions provide voting information through a website, and most state officials consider the states' elections website to be the primary source of

voting information. To access information online, people with disabilities may use a variety of assistive technologies and tools, depending on their disability, such as screen readers that read text out loud, adjustable font options, and voice control to navigate online content. Elections websites may accommodate these technologies and tools if they are designed to be accessible.

Information Accessibility Policies

Six of the seven selected states have implemented policies that seek to ensure the accessibility of the information on their state elections websites.[56] Further, officials from six out of the seven states told us that they use the web content accessibility standards set by Section 508, WCAG, or both to develop accessible web content about voting, including two states that have established these standards as requirements in state law.[57] Additionally, officials from three out of six selected local jurisdictions told us that they had implemented an accessibility policy for their jurisdiction's web content.

Practices to Ensure Accessibility of State and Local Website Information about Voting

Officials from the selected states also identified a variety of practices that they undertake to ensure that the state's web content is accessible, including:

- Website templates: Three out of seven states use website templates that allow the content creator to plug information into an accessible format;
- Manual and automatic accessibility checks: Six out of seven states use automated accessibility evaluation tools to identify accessibility issues, such as insufficient color contrast, or state officials conduct

[56]Officials in Colorado told us that they seek to ensure the accessibility of the information on the state elections website but do not have an official accessibility policy.

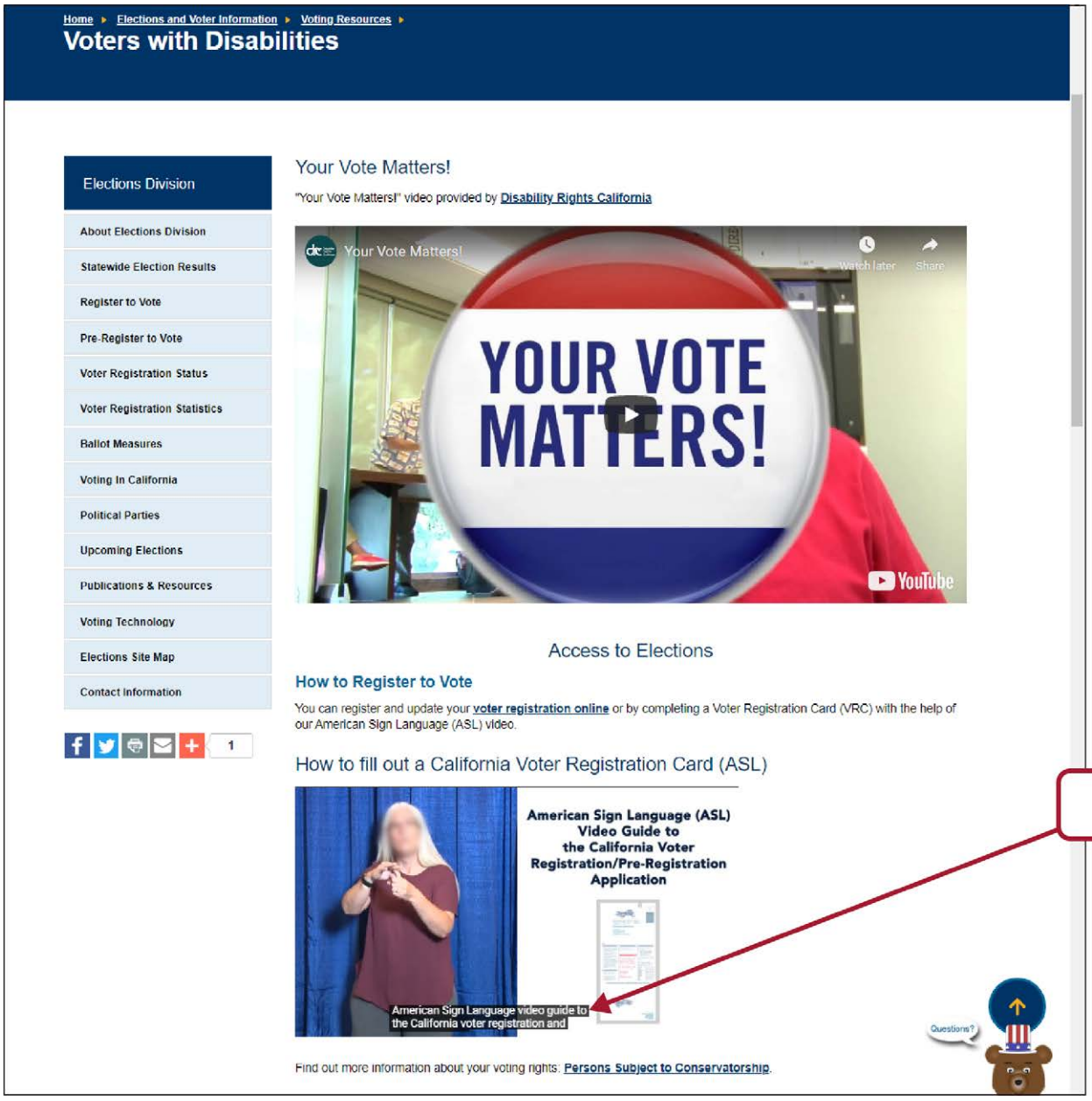
[57]Although Colorado does not have an official accessibility policy, officials told us they use WCAG and Section 508 standards to make web content accessible. Officials in one state did not respond to our questions about the state's web accessibility policies and practices. California and Minnesota officials reported that their states have enacted requirements regarding the accessibility of information provided by state agencies or entities, which incorporate Section 508 and WCAG 2.0. See CA Gov't Code § 11546.7 and Minn. Stat 16E.03, Subdiv. 9-10.

manual accessibility checks (e.g., to ensure that images are accompanied by alternative text that can be read by a screen reader).

- External accessibility reviews: Four out of seven states told us they use organizations, such as contractors or disability rights organizations, to conduct external accessibility reviews of their elections websites.

There are also a number of ways that a state or local jurisdiction can make voting information accessible to people with different disabilities. For example, California has a dedicated page for voters with disabilities that includes videos that allow voters with disabilities the options to listen to the content, watch through an American Sign Language interpreter, or read the closed captions (as shown in fig. 7 below).

Figure 7: California Elections Website with Information that Reflects Practices to Ensure Accessibility



Source: California Office of the Secretary of State. | GAO-21-352

Challenges Ensuring Voting Information Is Accessible

While officials told us they have taken steps to ensure the accessibility of voting information, officials from the selected states and local jurisdictions and state advocacy organizations identified some challenges regarding the accessibility of information about voting, including:

- **PDFs**. Officials from three selected states and one local jurisdiction noted that ensuring the accessibility of PDF documents that are posted on their elections websites is a challenge. Officials from Colorado, for example, explained that in the past some PDF documents had been created using software without accessibility features and the state now is in the process of converting all PDF documents into accessible versions.
- **Navigability**. State advocacy officials from three out of seven selected states told us that it can be difficult to find information about a given accessible voting option, such as the remote accessible voting option, on state elections websites. An official from one state advocacy organization, for example, stated that there can be too much text on a webpage, making it difficult for a person with a learning or cognitive disability to absorb information or for a person with a visual disability to use a screen reader.
- **Plain Language.** Officials from two of the selected states and one state advocacy organization stated that content on elections websites is sometimes not provided in plain language, which makes it difficult for people with cognitive disabilities to understand the material.[58] Officials from California, for example, stated that they have worked to ensure that the information they provide to voters on their website is written in plain language. They added, however, that some of the language in their voter guides about proposed ballot measures may be difficult to understand because there are legal requirements that prevent them from presenting the measures in simplified language.
- **Lack of specialized knowledge**. Election officials from three selected states noted that staff who manage their websites do not have specialized knowledge about website accessibility, and may

[58]The EAC-supported 2020 Disability and Voting Accessibility Survey of voting-eligible citizens in the 2020 general election also found that respondents with cognitive disabilities were less likely to report they had received information on their voting options that was accessible and met their needs. Of respondents with cognitive disabilities, 77 percent reported receiving accessible information that met their needs compared to 82 percent of respondents with disabilities overall and 83 percent of respondents without disabilities. See Schur and Kruse, 2021.

need to take additional steps to ensure accessibility. For example, election officials in Minnesota stated that their state's elections website developers often do not know best practices for accessibility or the best way to address accessibility issues. The Minnesota election officials added, however, that the state worked with a contractor to conduct an external accessibility review, which has been helpful for identifying and resolving the elections website's accessibility issues.

DOJ and EAC Have Taken Steps to Assist Election Officials in Accessibility Efforts but the EAC Does Not Have a Mechanism to Collect Feedback on Its Assistance

DOJ Has Provided Guidance and Educational Resources on Voting Accessibility

DOJ has provided technical assistance guidance documents on voting accessibility and has stated that its settlement agreements with local jurisdictions may also be used as educational materials. Some selected states and localities found these resources useful.

DOJ Technical Assistance Guidance Documents

DOJ has issued a number of documents to guide states' and local jurisdictions' understanding of federal voting accessibility requirements and assist them in their efforts to implement the ADA's physical accessibility requirements at polling places (see table 2).[59] While DOJ officials told us the ADA requirements apply to early in-person polling places as well as polling places used for voting on Election Day, the

[59]According to DOJ, these documents serve as informal guidance. However, for the purpose of this report, we use the term guidance to generally refer to any documents DOJ has issued to assist states and local jurisdictions to comply with federal voting accessibility requirements.

guidance documents do not clearly specify that they also apply to early voting, as we have reported previously.[60]

Table 2: Department of Justice (DOJ) Guidance on Voting Accessibility

Guidance document[a]	Date issued	Description
"The Americans with Disabilities Act and Other Federal Laws Protecting the Rights of Voters with Disabilities"	September 2014	Overview of the Americans with Disabilities Act of 1990 (ADA) and other voting rights laws such as the Help America Vote Act of 2002 and the National Voter Registration Act of 1993
"Solutions for Five Common ADA Access Problems at Polling Places"	October 2014	Summary of potential physical barriers to access in areas at polling places including parking, building entrances, and voting areas, and temporary measures that may be taken to resolve these issues
"ADA Checklist for Polling Places"	June 2016	Explanation of federal requirements and tools for creating a physically accessible polling place; according to DOJ, can be used by election officials to assess the physical accessibility of their polling places

Source: GAO review of DOJ documents. | GAO-21-352

[a]According to DOJ, these documents serve as informal guidance. For the purpose of this report, we use the term guidance to generally refer to documents DOJ has issued to assist states and local jurisdictions to comply with federal voting accessibility requirements.

DOJ's Settlement Agreements Related to Accessibility

In addition to these guidance documents, DOJ officials said the agency's settlement agreements resulting from the department's investigations of local jurisdictions' compliance with ADA requirements related to the accessibility of polling places, among other things, can be useful as educational resources for state and local election officials. The agreements describe instances of noncompliance with ADA requirements

[60]In 2017, we reported that DOJ's voting accessibility guidance contained in the two following documents—"The Americans with Disabilities Act and Other Federal Laws Protecting the Rights of Voters with Disabilities" and "ADA Checklist for Polling Places"—do not clearly specify the extent to which federal accessibility requirements apply to early in-person voting or in-person absentee voting. We recommended that DOJ study the implementation of federal accessibility requirements in the context of early in-person voting and, as necessary, make changes to existing guidance. See GAO-18-4. DOJ agreed with our recommendation, and reported in May 2021 that it had studied the federal accessibility requirements during several meetings between staff in its Voting Section and Disability Rights Section. It also highlighted the continuing close working relationship between the two sections in coordinating DOJ's law enforcement efforts and joint investigations involving voters with disabilities in the context of early in-person voting and other voting contexts. Given these efforts, and after studying the recommendation, DOJ determined that no changes were necessary to existing guidance. We determined that DOJ has taken actions to fully implement our recommendation.

and prescribe corrective actions that local jurisdictions must take to address compliance issues. Since 1999, DOJ entered into these agreements with local jurisdictions under the rubric of DOJ's Project Civic Access, an effort which assessed local jurisdictions for overall compliance with a broad set of ADA requirements, including polling place accessibility. Since 2015, the department has entered into settlement agreements related specifically to investigations of voting accessibility issues under the department's ADA Voting Initiative. DOJ identified 96 agreements since 1999 as covering ADA compliance issues relating to early in-person voting, voting by mail, or information about voting.[61]

We found that recent agreements have focused largely on physical accessibility of polling places but have also touched on other voting accessibility issues. We reviewed all 22 agreements that DOJ entered into from January 2016 through November 2020,[62] which DOJ confirmed as related to the accessibility of early in-person voting, voting by mail, or information about voting.[63] Of these 22 agreements, 21 identified issues and prescribed remedial actions related to physical barriers at polling places used for early in-person voting. The agreements required local officials to take corrective actions such as providing signage, accessible parking and building entrances, conducting accessibility surveys of the jurisdiction's polling places, and implementing an accessibility training program for poll workers and election officials.

Further, 21 of the 22 agreements also directed local officials to employ temporary measures, among a variety of proposed options, including providing alternate voting options. For example, two agreements suggested voting by mail and four agreements suggested curbside voting as temporary remedies to provide accessible voting. In two of the agreements that addressed curbside voting, DOJ listed specific steps that jurisdictions should take if they choose to implement this option, including ensuring that there is signage outside of the polling place informing voters

[61]In identifying the relevant agreements, DOJ did not specify which issue areas each of the 96 agreements addressed.

[62]See appendix I for information about our settlement agreement selection process.

[63]Our review of the issues was limited to the information in the settlement agreements as made available by DOJ and not any supporting documentation unless it was attached to the agreement. The level of detail provided about each non-compliance issue and proposed remedy varied by agreement.

of the availability of curbside voting and offering a portable voting system that is accessible.[64]

Overall, the issues and the remedial actions prescribed by the DOJ settlement agreements align with some of the concerns that selected state and local election officials and state advocacy organization officials told us about with regard to ensuring physical accessibility. Both the agreements and the officials cited such issues as inaccessible parking and building entrances, and thus the remedies discussed in the agreements could potentially help officials facing such challenges to determine appropriate steps to address them.

Three of 22 agreements also required remedial actions to address issues related to the availability and accessibility of voting information, such as ensuring that registration materials are available in alternate formats, including accessible electronic formats, and raising awareness of accessible voting options through public notices. For example, in one agreement, DOJ directed the jurisdiction to publish a Notice to Voters with Disabilities on its website and at all polling places for all elections that notifies voters of the name of, and contact information for, the Election Division's ADA Coordinator.[65] Knowledge of these agreements and the measures DOJ has required to address noncompliance may also be useful to state and local election officials, as they align with concerns raised by selected election officials and state advocacy organization officials about such issues as limited information on accessible voting options on state elections websites.

Dissemination of Information to States and Localities

DOJ primarily disseminates information on voting accessibility to states and local jurisdictions through its ADA.gov website, which lists technical assistance materials, such as the guidance documents mentioned above, and the results of its enforcement efforts, including settlement agreements. DOJ has also shared information with states and localities through educational outreach efforts, according to DOJ officials. For example, DOJ developed a PowerPoint presentation that discusses

[64]See Settlement Agreement between the U.S. and the City of Chesapeake Regarding the Accessibility of Polling Places, DJ# 204-79-323 (2017) and Settlement Agreement between the U.S. and Harris County, Texas, DJ# 204-74-351 (2019).

[65]See Settlement Agreement between the U.S. and Harris County, Texas, DJ# 204-74-351 (2019).

issues related to the physical accessibility of early voting polling places and accessibility of information about voting, which DOJ officials delivered at five conferences during 2020, including events organized by the National Association of Election Officials, the National Association of Secretaries of State, and the National Disability Rights Network.[66] DOJ has also issued press releases after entering into some settlement agreements, has highlighted one settlement agreement in a blog and a podcast, and included information on several settlement agreements in its February 2020 conference presentation.[67]

Selected States' and Localities' Views of DOJ's Educational Resources

Some state and local election officials and voting accessibility and disability rights stakeholders we interviewed found DOJ's voting accessibility resources useful and important. For example:

- Officials from three of seven states, two of six localities, and one state advocacy organization said that the 2016 ADA accessibility survey, "ADA Checklist for Polling Places" is helpful in informing their own assessments of polling place accessibility and ensuring that their efforts align with federal requirements.
- With regard to the settlement agreements, officials from three of seven states said that they have drawn on them to understand and address the voting accessibility issues that DOJ has identified. All three states reported that they have incorporated issues raised in settlement agreements into poll worker training guidance provided to local jurisdictions in the state, or alerted local jurisdictions to be aware of these issues.
- Further, officials from two disability rights organizations noted the educational value of DOJ's settlement agreements. For example, one official cited the usefulness of a recent agreement that addressed a local jurisdiction's failure to provide a voter with an accessible ballot

[66]The National Association of Election Officials, also known as The Election Center, provides training and educational opportunities to state and local election officials, among others, on election administration and voter registration issues.

[67]DOJ's presentation refers to six settlement agreements in its discussions of the physical accessibility of voting locations and accessibility of voting information. See DOJ, *Voting Rights for People with Disabilities & the ADA* (presented at the 2020 conference of the National Association of Election Officials, Greenville, SC, February 2020).

and prescribed the use of specific accessible voting technology and educational materials.[68]

EAC Addresses Voting Accessibility through a Range of Efforts but Does Not Regularly Collect and Use Feedback on Accessibility Resources to Help Meet Election Officials' Needs

The EAC has created a variety of resources—in the broader categories of Election Management Guidelines, tip sheets, Clearinghouse Awards, and blog posts—to assist election officials in ensuring accessible voting for people with disabilities. As shown in table 3, these resources address areas in which officials from state and local elections offices and state advocacy organizations identified accessibility challenges. For example, the EAC has shared resources in the areas of physical accessibility of polling places, communication of accessible voting options, and accessibility of elections websites across all four broader categories of resources. In the area of curbside voting, the EAC has made available two Clearinghouse Awards that highlight steps taken to implement this option.

Table 3: Examples of U.S. Election Assistance Commission (EAC) Resources that Provide Information Related to Accessibility Challenges Identified by State and Local Officials

Areas with Accessibility Challenges Identified by State and Local Officials	EAC Resource Type			
	Election Management Guidelines	**Quick Start Guides and other tip sheets**	**Clearinghouse Awards**	**Blog posts**
Accessible voting equipment	Election Management Guidelines, Chapter 19: Accessibility (2010)	Ten Suggested Practices to Improve Accessible Voting (2013) Quick Start Guide: Six Tips to Employ Effective Poll Workers (2014)	2018 Winner: Iowa Secretary of State 2019 Winner: Washington, DC Board of Elections	Addressing Accessibility and Security: EAC's 2020 Elections Forum (2020) Engaging Voters with Disabilities on Access and Independence (2018)

[68]See Settlement Agreement between the U.S. and the City of Concord, New Hampshire under the Americans with Disabilities Act, DJ# 204-47-62 (2019).

Areas with Accessibility Challenges Identified by State and Local Officials	EAC Resource Type			
	Election Management Guidelines	**Quick Start Guides and other tip sheets**	**Clearinghouse Awards**	**Blog posts**
Physical accessibility of polling places	Election Management Guidelines, Chapter 19: Accessibility (2010) Election Management Guidelines, Chapter 9: Polling Place and Vote Center Management (2009) Election Management Guidelines, Chapter 12: Building Community Partnerships (2010)	Quick Start Guide: Six Tips for Making Voting Accessible (2015) Quick Start Guide: Nine Tips to Manage the Voting Process Better (2014) Ten Suggested Practices to Improve Accessible Voting (2013)	2017 Winner: El Paso County, Colorado 2018 Winner: Contra Costa County, California 2019 Winner: Washington, DC Board of Elections	Partnering to Empower Voters with Disabilities (2018) Engaging Voters with Disabilities on Access and Independence (2018) Iowa Secretary of State Paul Pate's Cutting Edge Approach to Ensuring Polling Place Accessibility (2017)
Curbside voting			2017 Winner: Collin County, Texas 2018 Winner: Iowa Secretary of State	
Accessible remote voting options				Virtual Roundtable to Assist Voters with Disabilities and Election Officials (2020) Addressing Accessibility and Security: EAC's 2020 Elections Forum (2020)
Signature verification requirements	Election Management Guidelines, Chapter 7: Absentee Voting and Vote by Mail (2009)			
Communication of accessible voting options	Election Management Guidelines, Chapter 19: Accessibility (2010)	Tips for Empowering Voters with Disabilities in the 2020 General Election and COVID-19 Crisis (2020) Quick Start Guide: Six Tips for Making Voting Accessible (2015) Ten Suggested Practices to Improve Accessible Voting (2013)	2017 Winner: El Paso County, Colorado 2018 Winner: Iowa Secretary of State	Crunching the Numbers to Help Voters with Disabilities and Election Officials (2017)

Areas with Accessibility Challenges Identified by State and Local Officials	EAC Resource Type			
	Election Management Guidelines	**Quick Start Guides and other tip sheets**	**Clearinghouse Awards**	**Blog posts**
Accessibility of elections websites	Election Management Guidelines, Chapter 19: Accessibility (2010) Election Management Guidelines, Chapter 14: Communicating with the Public (2010)	Tips for Empowering Voters with Disabilities in the 2020 General Election and COVID-19 Crisis (2020) Quick Start Guide: Ten Tips for Making Voting Accessible (2015)	2017 Winner: Washington State 2019 Winner: National Council on Independent Living	Accessing Democracy: Washington State's Website Team Empowers Voters with Disabilities (2017)

Source: GAO review of EAC materials and interviews with state and local election officials and state advocacy organization officials. | GAO-21-352

Note: This table includes examples of EAC resources related to accessibility challenges identified by state and local officials.

The resources listed above provide a variety of information and best practices to help state and local election officials better ensure the accessibility of voting and voting information. For example, several chapters in the Election Management Guidelines and multiple tip sheets discuss suggested practices for ensuring the physical accessibility of polling places, such as use of a checklist to evaluate polling places and collaboration with disability advocacy organizations to further ensure locations meet ADA requirements. On the issue of website accessibility, the EAC selected a toolkit from the National Council on Independent Living as a 2019 Clearinghouse Award winner. The toolkit discusses common website accessibility barriers and provides a list of evaluation tools that can be used to test website accessibility. On the issue of communication of accessible voting options, the EAC has tip sheets that share best practices from election officials, including a recommendation to partner with disability advocacy organizations for assistance and input.

Officials from four of the seven states told us that while aware of the EAC's resources, they had not drawn on them to address accessibility challenges. Officials from two of these states described the resources as too basic to meet their needs. For example, an official from Colorado told us he finds the EAC's accessibility resources to be less useful to the state because he views the resources as designed to address accessibility issues at a more basic level, in order to meet the baseline needs of states and local jurisdictions with diverse election policies and practices. Officials from the other two states that do not use EAC accessibility resources reported that they would go directly to their colleagues in other states instead of the EAC for ideas on how to address certain accessibility issues.

Conversely, election officials in the remaining three states said they have consulted the EAC's accessibility resources to some extent. Specifically, officials from two of these states told us the EAC website is convenient for accessing information related to the ADA. Ohio officials told us their state ADA coordinator reviews the EAC website when developing state resources for voters with disabilities. Also, Delaware officials said they have in the past incorporated the EAC's best practices on accessibility into their poll worker training, though they noted it would be helpful to receive updated guidance on interacting appropriately with voters with disabilities.

Officials from four of the seven states told us that accessible remote voting options is an area where further resources from the EAC could be helpful. For example, an official from Minnesota said information on how other states are implementing accessible remote voting options would be useful.

Officials from four of the six local jurisdictions reported relying on the state elections office for information on accessibility issues and stated that they have not consulted such resources from the EAC, while the officials from the two local jurisdictions who have drawn on EAC resources had mixed feedback about their usefulness. One local official who had consulted the EAC's accessibility resources found them too basic for election officials who had years of election administration experience. Conversely, the other local official who had consulted the EAC's accessibility resources reported that she reviews the EAC's toolkits, Clearinghouse Award winners, and panel discussions for ideas from other jurisdictions, because she considers the EAC to be the best resource for best practices on a variety of election-related topics.

EAC officials told us the agency uses multiple channels to communicate with election officials, which may help the EAC gather information about the challenges election officials face and inform the agency's decisions on which resources to develop. For example, according to EAC officials:

- The EAC commissioners regularly meet with state and local officials in person or virtually.[69] The commissioners also attend conferences of national organizations representing state and local election officials,

[69]HAVA specifies that the President nominates four commissioners to the EAC, no more than two from the same political party, on the recommendations of the majority and minority leadership of the U.S. Senate and U.S. House of Representatives. Once confirmed by the full Senate, commissioners may serve two consecutive terms.

including the National Association of Secretaries of State, the National Association of State Election Directors, and the Election Center. EAC officials told us that some of these conferences often include workshops and sessions on voting accessibility.

- Other EAC officials and staff have conversations with state and local election officials about any challenges or concerns on a weekly basis.
- The EAC holds annual meetings and quarterly conference calls with its Board of Advisors and Standards Board, which both serve as advisory bodies.[70] EAC officials also told us in May 2021 that the agency is establishing the Local Leadership Council, an advisory board of local election officials from states and territories.[71]
- The EAC uses results from the Election Administration and Voting Survey and the Election Administration Policy Survey to identify trends and develop products. For example, according to EAC officials, from these surveys, the EAC can determine the prevalence of state policies that may affect voters with disabilities, such as the availability of accessible remote voting options and permanent absentee voter lists.
- The EAC conducts disability-related forums and roundtable discussions with election officials and disability advocates at least annually.
- The EAC encourages election officials to offer input about resource needs via an email address the agency makes available on its website.

[70]The Board of Advisors consists of 35 members from groups representing governors; mayors; state legislatures; secretaries of state; state election directors; local election officials; voters advocacy groups; federal agencies; and professionals in the fields of science and technology. The Standards Board is a 110-member board consisting of 55 state election officials (the 50 states, the District of Columbia, American Samoa, Guam, Puerto Rico, and the Virgin Islands) selected by their respective chief state election official, and 55 local election officials selected through a process supervised by the chief state election officials.

[71]HAVA established the Board of Advisors and Standards Board. See 52 U.S.C. §§ 20941-20945. In February 2021, the EAC submitted a proposal to the General Services Administration to create an additional board focused on local election officials under the Federal Advisory Committee Act; the proposal was approved in March 2021. The EAC published the establishment of the Local Leadership Council in the Federal Register on May 21, 2021.

In addition, following the 2020 general election, the EAC contracted with researchers from Rutgers University to study the recent voting experience for voters with disabilities.[72] The survey of voting-eligible citizens, which built upon a similar study conducted in 2012, included questions on polling place access, mail and absentee voting accessibility, and voting obstacles due to the COVID-19 pandemic. The EAC intends to use results from this survey, among other things, to inform its guidance on accessibility.

While these communication efforts may allow the EAC to learn about accessibility issues, the EAC does not have a mechanism for collecting feedback from state and local election officials about the usefulness of its existing accessibility resources and the need for additional accessibility resources. EAC officials told us that they regularly provide opportunities for election officials to offer feedback generally about the usefulness of the agency's resources as part of the above communication efforts and believe any additional resource needs are being relayed to the agency through their existing communication channels. However, EAC officials could not identify a specific mechanism the agency has used to solicit input on the usefulness of and need for additional accessibility resources during interactions with election officials. Furthermore, EAC officials could not provide examples of when state or local election officials had provided feedback on the usefulness of the EAC's existing accessibility resources and provided only one example of an additional accessibility resource that was developed at the request of state and local election officials—a tip sheet about empowering voters with disabilities during the 2020 general election and COVID-19 pandemic. EAC officials also told us that given the range of issues and competencies election officials must balance in election administration, accessibility may not always be the most pressing priority of election officials and may not regularly be addressed in meetings with the EAC.

Consistent with its role under HAVA as a national clearinghouse for federal election administration information, in its 2018-2022 Strategic Plan the EAC has a goal related to the continuous creation of resources that help election officials improve the administration of elections and help voters more easily participate in elections. According to the strategic plan, the EAC should use feedback from stakeholders to indicate success in meeting this goal. In addition, according to *Standards for Internal Control*

[72]Findings from this survey were presented to the EAC commissioners in February 2021. Several findings from the survey have been noted in previous sections of this report. See Schur and Kruse, 2021.

in the Federal Government, agencies should externally communicate the necessary quality information—which, in this case, includes the EAC's accessibility resources for election officials—to achieve the entity's objectives, as well as establish and operate monitoring activities to monitor and evaluate results.[73]

EAC officials told us they would like to specifically solicit election officials' feedback on EAC's existing accessibility resources and officials' perspectives on what additional resources may be needed, but face challenges with doing so. According to EAC officials, requirements under the Paperwork Reduction Act, as amended, limit the EAC's ability to collect information about resources from groups of state and local election officials in a timely manner. The EAC is seeking an exemption from the Act's requirements.[74] EAC officials told us budgetary constraints also have somewhat limited the agency's ability to dedicate funding and personnel to reviewing and updating resources and identifying any gaps in resources.

Although the EAC faces certain limitations, the EAC could identify and employ various cost-effective ways to leverage its existing communication channels to obtain feedback specifically on the usefulness of its voting accessibility resources, such as through more targeted questions by the EAC commissioners during their regular meetings with state and local election officials and by EAC officials and staff during their informal meetings with election officials. The EAC could also consider adding additional items to obtain feedback on accessibility resources on the Election Administration and Voting Survey or the Election Administration Policy Survey. By developing a mechanism or mechanisms to collect and incorporate feedback periodically from election officials, the EAC could better target its resources to meet the needs of these officials. In turn, the EAC would be better positioned to fully leverage its role as a national clearinghouse of information about elections to assist election officials with improving the accessibility of elections for voters with disabilities.

[73]GAO-14-704G.

[74]The Paperwork Reduction Act, as amended, governs how federal agencies collect information from the public, which includes state and local governments. See Pub. L. No. 104-13, 109 Stat. 176 (codified as amended at 44 U.S.C. §§ 3501-3521). Clearance under the Act is generally required if a federal agency seeks to collect the same information from ten or more individuals or entities over a 12-month period. EAC officials told us they have submitted a request to the Office of Management and Budget to exempt the EAC from the Act to better fulfill its clearinghouse mission.

Conclusions

The number of voters opting for early in-person voting or voting by mail, instead of voting in person on Election Day, has increased in recent years. The states and local jurisdictions included in our review reported taking a variety of steps to make these voting options accessible for people with disabilities, ranging from measures to ensure the physical accessibility of early voting polling places, to providing electronic alternatives to voting by mail, to listing accessible voting options on state and local elections websites. Nonetheless, election officials and advocacy organizations said challenges persist with ensuring accessibility for all voters with disabilities and with raising awareness of accessible options such as electronic alternatives to voting by mail.

The key federal agencies that play a role in helping states and localities work towards greater voting accessibility are DOJ, through its enforcement activities and educational resources, and the EAC, through its sharing of accessibility resources. While some selected state election officials we interviewed found the EAC's accessibility resources to be helpful, others found them of limited usefulness, and the agency has an opportunity to enhance the resources it offers in this area. A mechanism or mechanisms to collect election officials' feedback on its accessibility resources would better position the EAC to meet states' needs, and ultimately help more voters with disabilities more easily participate in elections.

Recommendation for Executive Action

We are making the following recommendation to the EAC:

The Executive Director of the EAC should develop and implement a mechanism or mechanisms for collecting and incorporating feedback from state and local election officials on the usefulness of the voting accessibility resources the agency provides and other resources that would be helpful to them. (Recommendation 1)

Agency and Third Party Comments

We provided a draft of this report to DOJ and the EAC for review and comment. DOJ did not provide written comments. The EAC provided

formal, written comments, which are reproduced in full in appendix III, and technical comments, which we incorporated as appropriate. We also provided excerpts of the draft report for review and comment to state elections offices in the seven states we contacted and incorporated technical comments from state election officials as appropriate.

In its comments, the EAC stated that expanding its resources for accessibility and improving the feedback process is a priority for the agency and identified ongoing and planned steps to do so. For example, the EAC noted that it is establishing the Local Leadership Council, an advisory committee of local election officials whose members will be relevant and comprehensive sources of expert, unbiased analysis and recommendations to the EAC on local election administration topics, including serving voters with disabilities. The EAC noted that it also recently hired a subject matter expert focused solely on accessibility and has also added three additional staff with expertise in practices in serving voters with disabilities. According to the EAC, it now has on staff former election officials and experts who can provide feedback and insight based on their experience serving voters at the local level. Additionally, the EAC noted that ensuring voting systems are accessible was a major consideration throughout the development process for the recently approved Voluntary Voting System Guidelines 2.0. The EAC noted that it is working on a lifecycle policy that will make the updating process for those guidelines more efficient and build in a mechanism for regular review and feedback. This policy will offer feedback opportunities on topics like ensuring and improving accessibility of voting systems.

As agreed with your offices, unless you publicly announce the contents of this report earlier, we plan no further distribution until 30 days from the report date. At that time we will send copies of this report to the Attorney General, the Election Assistance Commission, elections offices in the seven selected states that participated in our research, appropriate congressional committees and members, and other interested parties. In addition, the report is available at no charge on the GAO website at http://www.gao.gov.

If you or your staff have any questions about this report, please contact Rebecca Gambler at (202) 512-8777 or GamblerR@gao.gov or Elizabeth H. Curda at (202) 512-7215 or CurdaE@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made major contributions to this report are listed in appendix IV.

Rebecca Gambler
Director, Homeland Security and Justice

Elizabeth H. Curda
Director, Education, Workforce, and Income Security

Appendix I: Objectives, Scope, and Methodology

Our objectives were to (1) describe the steps selected states and local jurisdictions have taken to ensure that options for voting in person and by mail prior to Election Day are accessible for all voters with disabilities and the challenges that exist in doing so; (2) describe the steps selected states and local jurisdictions have taken to make voting information available and accessible for all voters with disabilities and the related challenges; and (3) assess the extent to which the Department of Justice (DOJ) and the Election Assistance Commission (EAC) have assisted states and local jurisdictions in ensuring the accessibility of in-person voting prior to Election Day, voting by mail, and information on voting.

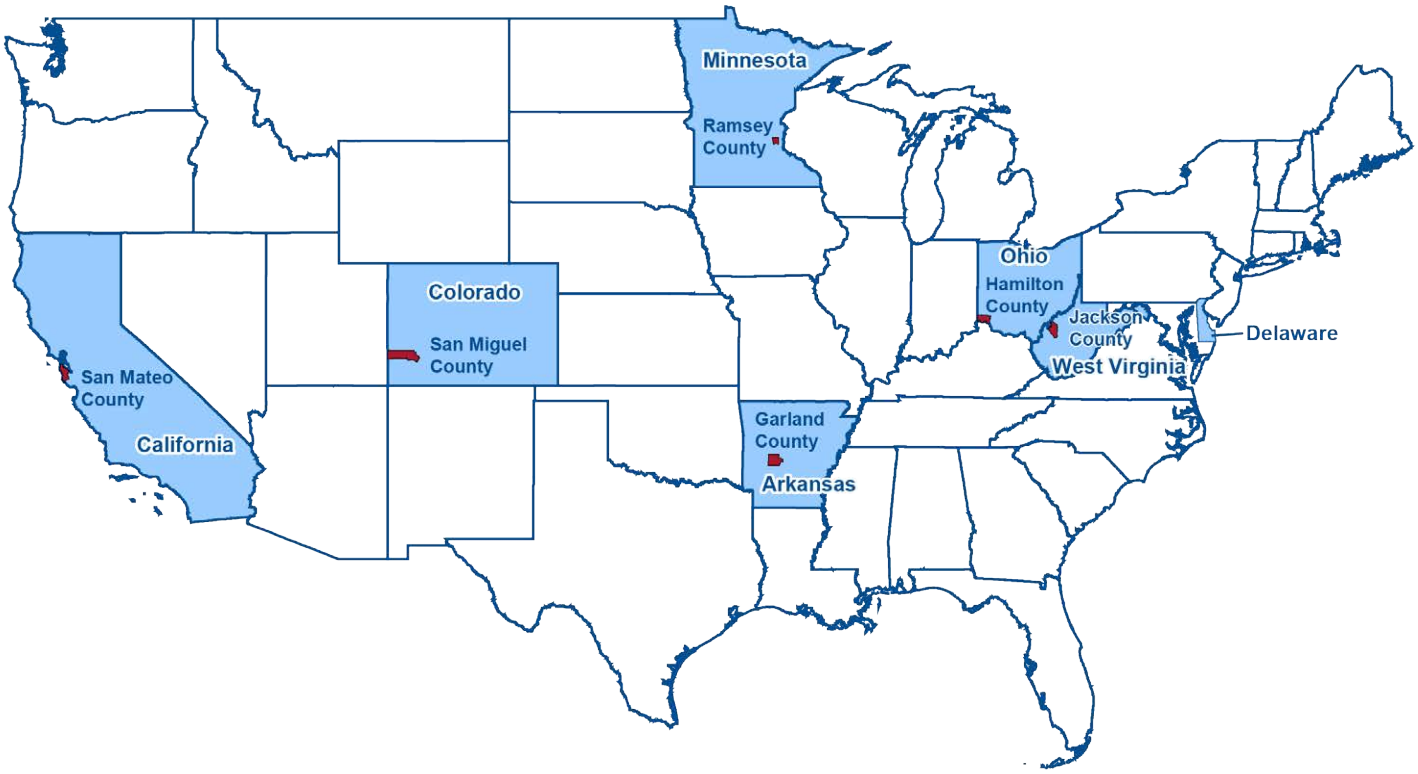
To address our first objective, we interviewed state election officials, local election officials, and state advocacy organization officials in selected states; reviewed related documentation; and analyzed data from the Survey of the Performance of American Elections. To address our second objective, we drew on our interviews with state and local election officials and state advocacy organization officials and reviewed associated documentation. To address our third objective, we reviewed DOJ and EAC guidance and other documents, interviewed DOJ and EAC officials, and drew on our interviews with state and local election officials and state advocacy organization officials. (See below for more details on these methodologies.) In addition, we reviewed relevant federal laws and regulations.

To address all three objectives, we also interviewed officials from national organizations of state and local officials (Election Center, National Association of Secretaries of State, National Association of State Election Directors, and National Conference of State Legislatures), officials from national organizations involved in disability advocacy and policymaking (National Council on Disability, National Disability Rights Network, and National Federation of the Blind), officials from other research and advocacy organizations (American Civil Liberties Union, Center for Civic Design, and National Vote at Home Institute), and academics with knowledge of voting accessibility issues. We selected these organizations and subject matter experts based on our review of reports and studies related to voting accessibility and their expertise and work in this area.

Interviews with Officials from Selected States, Local Jurisdictions, and State Advocacy Organizations

We conducted telephone interviews with state election officials in seven states—Arkansas, California, Colorado, Delaware, Minnesota, Ohio, and West Virginia—and with local election officials in six of these states (see fig. 8). We interviewed officials from one local jurisdiction in each selected state except Delaware. In Delaware, the state's Department of Elections oversees and conducts elections throughout the state. The Department of Elections has offices in each of Delaware's three counties. We also interviewed officials from each state's designated protection and advocacy organization (state advocacy organization). We completed these interviews between May and October 2020. In our interviews with state, local, and advocacy organization officials, we asked about topics including efforts to ensure the accessibility of early in-person voting, voting by mail, and voting information, and assistance provided by the federal government with voting accessibility. Not all of the officials responded to all questions, and in some cases we asked different follow-up questions of officials. In addition to these interviews, we reviewed documentation related to voting procedures in the selected states and local jurisdictions, such as state laws, guidance, training materials, and websites. The information we gathered from our interviews is not generalizable; however, these interviews provided a range of perspectives on challenges and efforts related to addressing voting accessibility.

Figure 8: Selected States and Local Jurisdictions



Source: Mapinfo(map). | GAO-21-352

We selected these states primarily to (1) ensure geographic diversity, (2) include states with a range in the size of the disability voter turnout gap in the 2018 general election (i.e., difference between turnout among people with disabilities and turnout among people without disabilities), (3) include states that do and do not offer early in-person voting, (4) include at least one all vote-by-mail state, (5) include states that do and do not require an excuse for absentee balloting, (6) include states recommended by issue-area stakeholders we interviewed, and (7) include states of varying electorate size.[1] (See table 4.) We selected local jurisdictions based on recommendations from state and EAC officials to achieve diversity of urbanicity (i.e., urban or rural), geographic size, median household income, and population size.

[1]The state election policies we considered as part of our selection reflect policies in place prior to the COVID-19 pandemic.

Table 4: Selected States and Associated Selection Criteria

State (geographic region)[a]	Turnout Among People with Disabilities minus Turnout Among People Without Disabilities (2018)[b]	Allows Early In-Person Voting[c]	All Vote-by-Mail State[c]	Allows Absentee Ballot, with Excuse[d]	Number of Stakeholder Recommendations	Active Registered Voters (2018)[d]
Arkansas (South)	3.4%	Yes	No	Yes	0	1,456,887
California (West)	-2.6%	Yes	No	No	3	19,724,297
Colorado (West)	0.9%	Yes	Yes	No	7	3,426,499
Delaware (South)	-5.2%	No	No	Yes	0	672,632
Minnesota (Midwest)	-19.5%	Yes	No	No	1	3,422,515
Ohio (Midwest)	-7.8%	Yes	No	No	4	8,070,917
West Virginia (South)	-8.1%	Yes	No	Yes	5	961,894

Legend:
X = State has this policy
- = State does not have this policy

Source: GAO analysis of data from the U.S. Census Bureau, the National Conference of State Legislatures, and the U.S. Election Assistance Commission. | GAO-21-352

[a]Source: U.S. Census Bureau.

[b]Source: Lisa Schur and Douglas Kruse. Fact Sheet: Disability and Voter Turnout in the 2018 Election (Rutgers School of Management and Labor Relations).

[c]Source: National Conference of State Legislatures. Information on early in-person voting reflects state policies as of August 2019. Information on all vote-by-mail states reflects state laws enacted prior to 2020.

[d]Source: U.S. Election Assistance Commission, *Election Administration and Voting Survey 2018 Comprehensive Report: A Report to the 116th Congress* (Silver Spring, Md.: June 2019). This report includes data collected on the 2018 federal election. Active registered voters are fully eligible voters who have no additional processing requirement to fulfill before voting.

Analysis of Data from the Survey of the Performance of American Elections

To examine the experiences of voters with disabilities, we analyzed data from the Survey of the Performance of American Elections for the 2016 and 2020 general elections. In 2016, the survey was administered via the internet to 200 registered voters in each of the 50 states, plus Washington, D.C., for a total of 10,200 respondents. In 2020, a total of 18,200 registered voters responded to the survey, including 1,000 respondents in each of the states of Arizona, Florida, Georgia, Iowa, Michigan, Nevada, North Carolina, Ohio, Pennsylvania, and Wisconsin and 200 respondents in each of the remaining 40 states and Washington,

DC. The study is managed by the Massachusetts Institute of Technology Election Data and Science Lab and administered by the national research firm YouGov. For the 2016 survey, we obtained the publicly available data through the Harvard Dataverse Repository.[2] For the 2020 survey, we obtained the data directly from the study manager.

The contractor that administers the survey, YouGov, maintains a standing panel of 1.8 million U.S. residents who answered online advertisements and agreed to regularly answer surveys about public affairs. For this particular survey, YouGov selected a sample from this panel and invited them to complete the survey. In 2016, YouGov also collected an additional 1,014 responses from an external panel. Because the sample was not randomly selected from the registered voter population, that means the chance of participating in the survey was unknown, and that responses could have varied from those the target population would have given. To reflect these potential differences, we report estimates adjusted for known differences between the respondents and the national adult and registered voter populations. Specifically, we applied weights developed by the survey researchers that calibrated the sample distributions of state vote totals, demographics, party identification, ideology, and political interest to their distributions in national government surveys and administrative turnout statistics. To reflect random error in the survey response process, we used statistical methods that assumed the responses within each state (fixed strata) were unbiased simple random samples of potential responses. We calculated sampling variances and confidence intervals for all estimates, in order to reflect the range of responses expected 99 percent of the time. We used 99 percent confidence intervals, rather than 95 percent confidence intervals, to further account for potential differences between the respondents and the target population of registered voters.

We divided respondents into two groups based on their response to the survey's demographic question that asks if the respondent has a health problem, disability, or handicap that currently prevents full participation in work, school, housework, or other activities. We then compared responses between respondents with disabilities and respondents without disabilities for questions that asked about:

[2]Stewart, Charles, *2016 Survey of the Performance of American Elections,* Harvard Dataverse, accessed March 3, 2021, https://doi.org/10.7910/DVN/Y38VIQ.

- Factors contributing to not voting in the election, for those who did not vote,
- Mode of voting (e.g., in person on Election Day, in person before Election Day, by mail), and
- Any problems the respondent encountered with the voting equipment or ballot that may have affected their ability to vote as intended.

Separately, we also compared responses between respondents who voted in person before Election Day and respondents who voted in person on Election Day for the question that asked about type of polling place where respondent voted (e.g., school, community center).

We reported estimated differences between groups of respondents. See appendix II for the exact question phrasing and all estimates and their 99 percent confidence intervals.

We assessed the reliability of these data by reviewing technical documentation on survey methodology, interviewing the study director, and conducting electronic analyses of the questionnaire items used in this report. We determined that the data were sufficiently reliable for the purposes of providing contextual descriptive information about disabled and non-disabled voters' experiences with election administration.

Review of Federal Materials and Interviews with Federal Agency Officials

To examine the steps DOJ has taken to assist states and local jurisdictions with accessibility of early in-person voting, voting by mail, and voting information, we reviewed the resources DOJ has provided to guide election officials' understanding of federal voting accessibility requirements. We identified relevant DOJ accessibility guidance documents by reviewing DOJ's Americans with Disabilities Act (ADA) website and through discussions with DOJ officials.

We also identified relevant settlement agreements—agreements that resolve cases and matters DOJ has brought against local jurisdictions to ensure they comply with the ADA—partly based on a list provided by DOJ and partly by reviewing DOJ's website. We selected a total of 22 agreements for our review. DOJ provided a list of 94 agreements entered into between August 1999 and June 2020, which the department identified as relevant to accessibility of early in-person voting, voting by

mail, and voting information, and we selected all 20 agreements on this list that were entered into since the beginning of 2016. We also reviewed DOJ's ADA.gov website for relevant agreements made available after June 2020 and identified an additional two agreements. We decided to focus on agreements entered into between January 2016 and November 2020 in order to review agreements which affected two recent elections and, in some cases, were also based on assessments of election accessibility conducted during this time frame.[3] Our review of these agreements included examining the types of violations identified by DOJ related to early in-person voting, voting by mail, and voting information and the remedial actions required by DOJ to address the violations. Additionally, we interviewed DOJ officials about the department's efforts to educate states and local jurisdictions on their responsibilities for ensuring accessible voting prior to Election Day and providing voting information.

To examine the steps the EAC has taken to assist states and local jurisdictions with the accessibility of voting prior to Election Day and voting information, we reviewed the resources and voluntary guidance that relate to the agency's voting accessibility efforts. Specifically, we reviewed the resources the EAC has made available to election officials on its website that reference accessibility suggested practices and information. We also reviewed the EAC's voluntary guidance, including its voluntary voting systems guidelines, and the Election Administration and Voting Survey Comprehensive Reports, the EAC's analysis of state-, territorial-, and local-level data that covers topics related to election administration, including accessibility. In addition, we interviewed EAC officials about their efforts to address voting accessibility and the process the agency uses to learn about challenges faced by election officials and develop new resources and guidance to address those challenges. We assessed the EAC's process relative to the agency's strategic goal to proactively and responsively create products that help election officials improve the administration of elections, internal control standards for the federal government related to external communication, and its prescribed roles under the Help America Vote Act of 2002 (HAVA).[4] We determined

[3]While some agreements were based on assessments of election accessibility conducted prior to 2016, the corrective actions prescribed by these agreements applied to elections during the 2016 to 2020 timeframe.

[4]Election Assistance Commission, *2018-2022 Strategic Plan* (February 12, 2018); GAO, *Standards for Internal Control in the Federal Government*. GAO-14-704G (Washington, D.C.: Sept. 10, 2014); Pub. L. No. 107-252, 116 Stat. 1666 (codified at 52 U.S.C. §§ 20901-21145).

the information and communication component of internal control, along with the underlying principle that management should externally communicate the necessary information to achieve the entity's objectives, was relevant to our review of how the EAC assists states and localities in its role under HAVA, as a national clearinghouse of information about elections.

We conducted this performance audit from January 2020 to June 2021 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Appendix II: Results from GAO's Analysis of Selected Questions from the Survey of the Performance of American Elections

This appendix presents the results of our analysis of responses to selected questions from the 2016 and 2020 Survey of the Performance of American Elections (see fig. 9). To reflect random error in the survey response process, we used statistical methods that assumed the responses within each state (fixed strata) were unbiased simple random samples of potential responses. We calculated sampling variances and confidence intervals for all estimates, in order to reflect the range of responses expected 99 percent of the time. In several cases, we divided survey respondents into two groups, based on their response to the question "Does a health problem, disability, or handicap currently keep you from participating fully in work, school, housework, or other activities?" and compared the two groups' responses to various survey questions. See appendix I for more details on the Survey of the Performance of American Elections and how we conducted our analysis.

Figure 9: Analysis of Selected Data from the Survey of the Performance of American Elections, 2016 and 2020

Survey question and response		Estimated percentage of registered voters (percent)	99% confidence interval—lower bound (percent)	99% confidence interval—upper bound (percent)
Question: How would you describe the place where you voted? **Response:** Other government office (court house, municipal building, city hall, etc.)				
Voted in person on election day (at polling place or precinct)	***2016***	9.6	8.4	10.8
	2020	11.1	9.8	12.3
Voted in person before Election Day	***2016***	49.6	46.5	52.7
	2020	38.6	36.5	40.7
Question: Did you encounter any problems with the voting equipment or the ballot that may have interfered with your ability to cast your vote as intended? **Response:** Yes				
Has a health problem or disability	***2016***	2.9	1.6	4.2
	2020	3.9	2.5	5.3
Does not have a health problem or disability	***2016***	1.4	1.0	1.8
	2020	2.0	1.5	2.5
Question: How did you vote this election? **Response:** Voted by mail or absentee ballot by mail[a]				
Has a health problem or disability	***2016***	26.6	23.9	29.3
	2020	52.8	50.6	55.0
Does not have a health problem or disability	***2016***	19.9	18.6	21.1
	2020	44.8	43.6	46.0
Question: How much of a factor did the following reasons play in your not voting in the November General Election? **Response:** Transportation problems were a major factor in not voting				
Has a health problem or disability	***2016***	22.2	14.1	30.3
Does not have a health problem or disability	***2016***	10.4	6.1	14.6
Question: What was the main reason you did not vote? **Response:** Transportation				
Has a health problem or disability	***2020***	7.0	3.1	10.9
Does not have a health problem or disability	***2020***	4.9	2.5	7.3

Source: GAO analysis of data from the 2016 and 2020 Survey of the Performance of American Elections. | GAO-21-352

Data table for Figure 9: Analysis of Selected Data from the Survey of the Performance of American Elections, 2016 and 2020

		Survey question and response	Estimated percentage of registered voters (percent)	99% confidence interval—lower bound (percent)	99% confidence interval—upper bound (percent)
Question: How would you describe the place where you voted? *Response: Other government office (court house, municipal building, city hall, etc.)*	Voted in person on election day (at polling place or precinct)	2016	9.6	8.4	10.8
		2020	11.1	9.8	12.3
	Voted in person before Election Day	2016	49.6	46.5	52.7
		2020	38.6	36.5	40.7
Question: Did you encounter any problems with the voting equipment or the ballot that may have interfered with your ability to cast your vote as intended? *Response: Yes*	Has a health problem or disability	2016	2.9	1.6	4.2
		2020	3.9	2.5	5.3
	Does not have a health problem or disability	2016	1.4	1.0	1.8
		2020	2.0	1.5	2.5
Question: How did you vote this election? *Response: Voted by mail or absentee ballot by mail*[a]	Has a health problem or disability	2016	26.6	23.9	29.3
		2020	52.8	50.6	55.0
	Does not have a health problem or disability	2016	19.9	18.6	21.1
		2020	44.8	43.6	46.0
Question: How much of a factor did the following reasons play in your not voting in the November General Election? *Response: Transportation problems were a major factor in not voting*	Has a health problem or disability	(2016)	22.2	14.1	30.3
	Does not have a health problem or disability	(2016)	10.4	6.1	14.6
Question: What was the main reason you did not vote? *Response: Transportation*	Has a health problem or disability	(2020)	7.0	3.1	10.9
	Does not have a health problem or disability	(2020)	4.9	2.5	7.3

Source: GAO analysis of data from the 2016 and 2020 Survey of the Performance of American Elections. | GAO-21-352

[a]The question and response wording presented in the table are for 2016. For 2020, the question was "How did you vote or try to vote this election?" and the response option related to voting by mail was "Voted by mail or absentee ballot by mail (including dropping off a ballot that was mailed to you)."

Appendix III: Comments from the U.S. Election Assistance Commission

U.S. ELECTION ASSISTANCE COMMISSION
633 3rd St. NW, Suite 200
Washington, DC 20001

Rebecca Gambler
Director
Homeland Security and Justice
U. S. Government Accountability Office
441 G St., NW
Washington, DC 20548

Elizabeth H. Curda
Director
Education, Workforce, Income Security
U. S. Government Accountability Office
441 G St., NW
Washington, DC 20548

Dear Ms. Gambler and Ms. Curda,

The U.S. Election Assistance Commission (EAC) thanks the U.S. Government Accountability Office (GAO) for the opportunity to review and respond to the draft report, "Voters with Disabilities: State and Local Actions and Federal Resources to Address Accessibility of Early Voting." The EAC appreciates the time GAO staff spent speaking with our staff over the last year discussing our resources for election officials for serving voters with disabilities, the challenges the EAC faces in developing these resources, and our internal processes. We also appreciate the interest of Senator Robert Casey Jr., Senator Amy Klobuchar, Senator Patty Murray, and Senator Wyden who requested this report from GAO.

The EAC was established by the Help America Vote Act of 2002 (HAVA), and is the only federal agency with the sole focus of election administration. HAVA also established a clear mandate to ensure Americans with disabilities be given the same opportunity to vote freely and independently and entrusted the EAC with leadership in this area. We take this responsibility seriously, strive to fulfill this piece of the mandate to the fullest extent, and work to continually improve how we can support election officials as they serve the 38 million voters with disabilities across the United States.

The GAO report's recommendation focuses on the need for the EAC to better collect feedback on voting accessibility resources. The EAC continually looks for ways to improve the resources we provide election officials, including those materials focused on serving voters with disabilities. Garnering feedback from voters with disabilities, election officials, and advocates is an essential part of that process. We understand the importance of developing useful, comprehensive resources and work to find ways to expand and improve these materials, while working within the limitations we face because of challenges like complying with the Paperwork Reduction Act (PRA) and a limited budget.

Compliance with the PRA was one of the biggest challenges to gathering feedback the EAC identified during the interviews with GAO staff. As the report notes, this limits our ability to collect information and get feedback, and to get that feedback in a timely manner. The impact the PRA has on our agency is significant. U.S. elections are decentralized and each state has different rules, regulations, procedures and deadlines, all of which can impact voters with disabilities. These laws and procedures may also regularly change. To develop and update resources that are relevant and reach officials in time for them to be useful in administering elections, the EAC needs flexibility that is, at this point, restricted by the PRA. The EAC

has requested an exemption to the PRA[1] but in absence of that, we are working hard to use the tools and resources at our disposal as best we can.

The GAO report also notes that, "The EAC could also consider adding additional items to obtain feedback on accessibility resources on the Election Administration and Voting Survey or the Election Administration Policy Survey." The EAVS and Policy survey are conducted every two years as mandated by HAVA. These surveys and the resulting data provide a snapshot of the American electorate and how elections are conducted. These avenues are for data collection and not necessarily mechanisms for feedback. The time and effort it takes for election officials at the state and local level to complete this survey is significant, especially considering all of their other responsibilities immediately following a federal election. The EAC is very deliberate when considering changes to the EAVS and must also go through the PRA process to make changes to the instrument.

The EAC would like to take this opportunity to note in this response that before this draft report was presented, the EAC was already proactively expanding our resources regarding accessibility and establishing additional sources and avenues for feedback.

In February 2021, the EAC released the "Disability and Voting Accessibility in the 2020 Elections" study that analyzed the 2020 election experience for voters with disabilities amidst the COVID-19 pandemic, providing election officials, advocates, and others with concrete data and feedback about accessible voting in 2020.

Also, in February 2021, the EAC Commissioners voted unanimously to approve the Voluntary Voting System Guidelines (VVSG) 2.0. This iteration of guidelines lays the groundwork for 21st century voting systems that are desperately needed with improved cybersecurity, accessibility, and usability requirements. Ensuring voting systems are accessible was a major consideration throughout the development process. The EAC received input from the public, advocates, and our advisory boards, including feedback on the balance of accessibility and security within these guidelines as they were developed. The improved accessibility requirements will enhance the voting experience for voters with disabilities. The EAC is also working on a lifecycle policy that will make the updating process for VVSG more efficient and build in a mechanism for regular review and feedback. This policy will offer feedback opportunities on topics like ensuring and improving accessibility of voting systems.

This spring, the EAC also hired a Subject Matter Expert focused solely on accessibility. This staff person has experience as an attorney and policy specialist focused on disability policy. As the first EAC staff member focused solely on accessibility work, this person will lead an internal team to ensure accessibility permeates the culture of the EAC and informs all the products we provide. They will also serve as a resource for our stakeholders including election officials and voting system manufacturers as elections continue to evolve to address the needs of a growing community with disabilities.

In addition to the Subject Matter Expert on accessibility, the EAC also added over 37 years of election administration experience with the hiring of three additional Subject Matter Experts. Along with their combined experience as local election officials, these professionals have earned graduate degrees, certifications, and awards for innovation. Their expertise also includes a thorough understanding of the challenges, needs, and successful practices in serving voters with disabilities. In the absence of an efficient feedback mechanism for our resources, the EAC now has on staff former election officials and experts who can provide feedback and insight based on their experience serving voters at the local level.

[1] The Federal Election Commission is exempt from the PRA pursuant to 44 U.S.C. 3502.

During the interviews with GAO staff, the EAC highlighted our advisory boards, the Board of Advisors and Standards Board, as sources of feedback for voting accessibility resources. In 2021, the EAC is establishing the Local Leadership Council, an advisory committee of local election officials whose members will be relevant and comprehensive sources of expert, unbiased analysis and recommendations to the EAC on local election administration topics, including serving voters with disabilities. The 100 officials who will make up this board will represent all 50 states and compliment the work and input of the Board of Advisors and Standards Board.

We respect the GAO's recommendation for the EAC. There is always room for improvement for communicating with election officials as well as voters. Already this year, the EAC has laid the groundwork for expanding our resources for accessibility and improving the feedback process. This is a priority for the agency and the work has already begun. The challenges of sufficient funding and the PRA remain. To sustain and further expand this important work, we are continuing our effort to get an exemption to the PRA and will continue to ask Congress to increase our operational funding.

Thank you for your interest in the EAC, our role in improving accessible voting, and for this opportunity to respond.

Respectfully,

Mona Harrington
Executive Director
U.S. Election Assistance Commission

Text of Appendix III: Comments from the U.S. Election Assistance Commission

Page 1

Rebecca Gambler Director

Homeland Security and Justice

U. S. Government Accountability Office 441 G St., NW

Washington, DC 20548

Elizabeth H. Curda Director

Education, Workforce, Income Security

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Washington, DC 20548

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election officials as they serve the 38 million voters with disabilities across the United States.

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Compliance with the PRA was one of the biggest challenges to gathering feedback the EAC identified during the interviews with GAO staff. As the report notes, this limits our ability to collect information and get feedback, and to get that feedback in a timely manner. The impact the PRA has on our agency is significant. U.S. elections are decentralized and each state has different rules, regulations, procedures and deadlines, all of which can impact voters with disabilities. These laws and procedures may also regularly change. To develop and update resources that are relevant and reach officials in time for them to be useful in administering elections, the EAC needs flexibility that is, at this point, restricted by the PRA. The EAC

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Also, in February 2021, the EAC Commissioners voted unanimously to approve the Voluntary Voting System Guidelines (VVSG) 2.0. This iteration of guidelines lays the groundwork for 21st century voting systems that are desperately needed with improved cybersecurity, accessibility, and usability requirements. Ensuring voting systems are accessible was a major consideration throughout the development process. The EAC received input from the public, advocates, and our advisory boards, including feedback on the balance of accessibility and security within these guidelines as they were developed. The improved accessibility requirements will enhance the voting experience for voters with disabilities. The EAC is also working on a lifecycle policy that will make the updating process for VVSG more efficient and build in a mechanism for regular review and feedback. This policy will offer feedback opportunities on topics like ensuring and improving accessibility of voting systems.

This spring, the EAC also hired a Subject Matter Expert focused solely on accessibility. This staff person has experience as an attorney and policy specialist focused on disability policy. As the first EAC staff member focused solely on accessibility work, this person will lead an internal team to ensure accessibility permeates the culture of the EAC and informs all the products we provide. They will also serve as a resource for our stakeholders including election officials and voting system manufacturers as elections continue to evolve to address the needs of a growing community with disabilities.

In addition to the Subject Matter Expert on accessibility, the EAC also added over 37 years of election administration experience with the hiring of three additional Subject Matter Experts. Along with their combined experience as local election officials, these professionals have earned graduate degrees, certifications, and awards for innovation. Their expertise also includes a thorough understanding of the challenges, needs, and successful practices in serving voters with disabilities. In the absence of an efficient feedback mechanism for our resources, the EAC now has on staff former election officials and experts who can provide feedback and insight based on their experience serving voters at the local level.

During the interviews with GAO staff, the EAC highlighted our advisory boards, the Board of Advisors and Standards Board, as sources of feedback for voting accessibility resources. In 2021, the EAC is establishing the Local Leadership Council, an advisory committee of local election officials whose members will be relevant and comprehensive sources of expert, unbiased analysis and recommendations to the EAC on local election administration topics, including serving voters with disabilities. The 100 officials who will make up this board will represent all 50 states and compliment the work and input of the Board of Advisors and Standards Board.

We respect the GAO's recommendation for the EAC. There is always room for improvement for communicating with election officials as well as voters. Already this year, the EAC has laid the groundwork for expanding our resources for accessibility and improving the feedback process. This is a priority for the agency and the work has already begun. The challenges of sufficient funding and the PRA remain. To sustain and further expand this important work, we are continuing our effort to get an exemption to the PRA and will continue to ask Congress to increase our operational funding.

Thank you for your interest in the EAC, our role in improving accessible voting, and for this opportunity to respond.

Respectfully,

Mona Harrington Executive Director

U.S. Election Assistance Commission

Appendix IV: GAO Contacts and Staff Acknowledgments

GAO Contacts

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Staff Acknowledgments

In addition to the contacts above, the following staff members made significant contributions to this report: Tom Jessor (Assistant Director), Lorin Obler (Analyst-in-Charge), Susan Czachor, Margaret Devlin, and Dina Shorafa. Key support was also provided by Benjamin Crossley, Alex Galuten, Sierra Hicks, Joshua Leiling, Amanda Miller, Jan Montgomery, Heidi Nielson, Jeff Tessin, Adam Vogt, and Jamie Whitcomb.

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