

May 29, 2020

VIA Electronic Mail [elections@sos.nh.gov]

Secretary William Gardner
NH Department of State
NH State House, Room 204
107 North Main Street
Concord, NH 03301-4989

Re: Ensuring Accessibility for Blind and Vision Impaired Voters

Dear Secretary Gardner,

The New Hampshire Coalition of Blind and Vision Impaired Voters seeks to protect the rights of blind and vision impaired voters in our state, both at the polls and when voting absentee. It is vital to our democracy that all citizens are able to cast a ballot privately and independently. As you are likely aware, the paper-based absentee voting systems typically used in New Hampshire are not accessible to blind and vision impaired voters, as well as other voters with print disabilities. As New Hampshire elections officials consider the potential impact of the coronavirus pandemic on upcoming elections in 2020, and beyond, it is critical that voters with disabilities be allowed to vote in a way that does not force voters to choose between giving up privacy and independence or risking their health by voting in person at the polls.

Federal law requires that elections are accessible to blind and vision impaired voters. Specifically, Title II of the Americans with Disabilities Act (ADA) requires states to ensure that voters with disabilities are offered an opportunity to vote—whether in person or by absentee ballot—in a way that is equal to the opportunity offered to voters without disabilities. Thus, if all other voters can vote absentee privately and independently, voters with disabilities must be offered the same opportunity. The ADA also requires that if all other voters can vote privately and independently at their local polling place or voting center during local elections, voters with disabilities must be afforded the same opportunity. Furthermore, Section 504 of the Rehabilitation Act states that public entities that receive federal financial assistance may not discriminate against people with disabilities in their programs, services, or activities.

Currently, there are several accessible absentee ballot-marking systems available for use in US elections. The Maryland State Board of Elections makes its accessible ballot-marking tool available at no charge. Democracy Live, Dominion Voting, Five Cedars, MyBallot, and OmniBallot are examples of vendors that can provide absentee ballot-marking systems. Many of these systems have now met Ohio and California's certification requirements for election technology. Another option may be the electronic ballot delivery system currently used by New Hampshire UOCAVA voters, if it is accessible.

Finally, polling places must remain accessible to blind and vision impaired voters. Not all blind and vision impaired voters have access to a computer, or they may prefer to vote privately and independently using an accessible ballot marking device at their local polling place or voting center. Therefore, it is vital that New Hampshire continues to provide at least one accessible One4all ballot marking device at each polling place for upcoming elections, and take steps to ensure that appropriate infection control and sanitation measures are employed.

We appreciate your attention to this matter and will gladly provide any additional information or assistance to help ensure access for blind and vision impaired voters in the upcoming elections.

Sincerely,

The NH Coalition of Blind and Vision Impaired Voters

Consumer and Individual Partners

Jean Shiner Dana Trahan Rep. Skip Berrien Guy Woodland

Organizational Partners

