

A Guide to Pro-Voter Reforms

for Protection and Advocacy (P&A) agencies to advocate for accessible implementation of pro-voter reforms at the state level

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NETWORK

Protection & Advocacy for Individuals with Disabilities



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Introduction

“Pro-voter reforms” is an emerging term used to describe a full package of election policy reforms that break down barriers to voter participation and are thought to increase voter turnout. Pro-voter reforms include, but are by no means limited to: online voter registration, automatic voter registration, election day (or same day) voter registration, pre-registration for 16 and 17 year olds, extending voter registration deadlines, early voting, no excuses absentee voting, voting rights restoration for people with felony conviction, ranked choice voting, and any measures that improve access for voters with disabilities or military and overseas voters.

Research has shown that voters typically support the implementation of pro-voter reforms, and a number of these measures have passed in recent elections across multiple states. Yet, every change in the way elections are administered begs one question: Is it accessible?

Welcome to the National Disability Rights Network’s draft guide on pro-voter reforms, and how P&As can work to ensure they are drafted and implemented accessibly.

Automatic Voter Registration (AVR)

The state automatically registers an individual to vote, unless the person decides to opt-out of voter registration. The voter typically has an opportunity to opt-out during a transaction at a designated agency, and these typically include National Voter Registration Act agencies, notably the Department of Motor Vehicles (DMV). Some states provide opt-out opportunities by sending a notification to the voter from an elections office.

Recommendations:

- Offices that are responsible for AVR transactions must be accessible, including architectural access and multiple formats for completing any required paperwork - such as large print forms and an electronic portal to complete forms.
- Any websites associated with AVR and the offices that provide AVR transactions must have websites (where you can find information,

download paperwork, etc.) that are fully compliant with accessibility law.

- States should think through other means of opting in or out for those who cannot get to an office associated with AVR (such as the Department of Motor Vehicles). Research shows that a significant percentage of the population lives over 10 miles from an ID-issuing office that is open more than 2 days per week.
- States should consider including all agencies covered by the National Voter Registration Act (NVRA) in AVR legislation, instead of focusing solely on DMVs to expand the reach of AVR to people with disabilities and others less likely to be able to access a DMV.
- AVR registrations are often non-affiliated voters (NAVs), or voters who are not affiliated with a political party. In states that require party affiliation to participate in primaries or caucuses, elections officials, as well as P&As, should educate voters.
- Given the prevalence of abuse in the disability community, P&As should also talk with states considering AVR that have not thought about protecting voter privacy. There should be a privacy exemption, or process for keeping a voter's record private if the voter is a survivor of abuse or would have similar privacy concerns with the record being made publicly available, given that voter records include addresses and phone numbers. Under AVR, there should also be a method for promoting the privacy exemption, starting with the first mailing to voters.

Early Voting

Creates a period of voting prior to traditional Election Day that is anywhere from two days to a month long. Votes cast during early voting do not require an absentee application and are counted as regular votes, although early voting is typically available in fewer locations than on traditional Election Day precinct-based voting.

Recommendations:

- There is a delicate balance to selecting early voting locations, which are typically fewer in number than traditional precinct voting on Election Day. These locations should be selected from those that

are the most accessible and easiest to access using various methods of transit.

Election Day Registration (EDR or "Same Day" Registration)

Allows any eligible voter and qualified resident of the state to register to vote and cast a ballot all in one day. Registrations are typically done in person on Election Day, with an earlier deadline for mailed forms or online voter registration. Some states allow same day registration during early voting but not on Election Day, in which case the term "same day registration" is used.

Recommendations:

- Any location offering voter registration must be accessible, particularly in EDR and SDR states that often rely on in-person voter registration.
- In addition to architectural access and proximity to public transit, state and local elections officials must consider the method of voter registration being offered. Are voters expected to fill out a paper registration, and if so are there enough staff on hand specifically assigned to provide assistance? Is there an electronic option for completing the form that will alleviate the need for assistance for many voters?

Mail-in Voting/Vote-by-Mail (VBM)

The state uses ballots mailed to the voter's home as the only or primary means of administering an election. Mail-in voting varies by state and may include vote centers for an in-person voting option, as well as drop boxes to return ballots as an alternative to postal mail.

Recommendations:

- States should consider paid postage on mail-in ballots to ease the burden on voters.
- All components of a vote-by-mail system must consider accessibility for people with disabilities. When used, vote centers or drop boxes must be ADA compliant. If postal services are going to be required

to return the ballot, the state should also examine the accessibility of mail services.

- Voters with disabilities should also have an accessible means of signing envelopes, as often required under mail-in voting. Some states have included a tactile punch hole next to the signature line to solve this problem.
- Mail-in voting typically includes an element of signature matching to deter voter fraud, in which the signature on the mail-in ballot is checked against a signature on file with the voter's registration. Yet, signature matching is known to be flawed, particularly in elections administration, where handwriting experts are not employed to verify signatures. This issue is further complicated for voters who have aged or acquired a disability since the original signature or for voters whose disability creates a noticeable variance with each signing. With this in mind, voters should have an opportunity to "cure" mismatched signatures that is codified into law. Ballots should not be tossed out before the voter is given the opportunity to cure.
- Additional considerations can be made for voters with disabilities in signature matching. States can establish an administrative process for people with disabilities who use a stamp or mark as a signature.
- Recommendations included under "no excuses" absentee voting below also apply to mail-in voting.

"No Excuses" Absentee Voting

Allows any registered voter to request an absentee ballot without requiring a stated reason for the desire to vote absentee. In states that do not have "no excuses" absentee, voters must typically indicate that he/she cannot vote during polling hours in the designated precinct for a limited number of reasons, including that the voter will be out of the voting jurisdiction on Election Day for business or personal travel, will be working on Election Day from poll open to poll close (such as election workers), has a disability, or is the primary caretaker for a person with a disability.

Recommendations:

- Traditional paper-based absentee voting is not accessible to every voter. Multiple formats for completing and submitting an absentee ballot must be considered, including electronic ballot delivery that allows the voter to receive a link to the ballot and complete it using individual assistive technology before printing and returning the completed ballot.
- States that do not currently offer early voting should also consider in-person absentee voting at accessible locations, which coupled with no excuses absentee, is essentially an early voting period.

Online Voter Registration (OVR)

Supplements traditional paper-based voter registration, in which registrants fill out a paper form to submit to the appropriate elections office. OVR allows registrants to complete the same form electronically through a website. In either case, the form is delivered to the elections office, who confirm the registration is valid and enter the information into the voter registration database.

Recommendations:

- OVR portals must be fully accessible to people with disabilities and compliant with federal law.

Ranked Choice Voting (or Instant Run-Off Voting)

Allows voters to rank candidates in order of choice. When a candidate receives the majority of all votes cast, he or she wins. In elections with more than two candidates, it is common for no candidate to receive a majority (over 50% of the votes). In this case, the candidate ranked lowest among first choices is eliminated. For voters who listed that candidate as their first choice, their ballots are automatically re-counted using their second choices. The process of eliminating candidates and using additional choices repeats until one candidate reaches a simple majority and is declared the winner. Ranked choice voting can be used to replace existing run-off elections used in some states. A run-off is an actual second general election held when no candidate wins a majority during

the first round of voting to determine which of the top vote-getters will win. Ranked choice voting ensures the winner receives the majority of votes, without requiring voters to turnout more than once.

Recommendations:

- Ranked choice voting ensures that our elected officials are actually the choice of the majority while preventing the need to turn out voters for a second (run off) election on a short timeline. However, ranked choice voting is also confusing to many voters. States or municipalities that engage in ranked choice voting must make a concerted effort to get the word out and educate voters about how their experience will change.
- Voter education efforts should be in clear and simple (or plain) language. Multiple formats should be used, including graphics and short videos, to explain how ranked choice voting works.
- Helpful resources for understanding ranked choice voting can be found through Fair Vote: <https://www.fairvote.org/>.

Straight Ticket Voting (or Straight Party Voting)

Allows voters to make one single mark on the ballot (either by hand or using an electronic interface) in order to vote for every candidate of that party for each partisan office on the ballot.

Recommendations:

- Websites that provide information to voters must be fully compliant with applicable accessibility laws.
- Elections officials need to consider principles for good ballot design - clean, accessible, can easily be read by those with low literacy, limited English proficiency, or cognitive disabilities. The Center for Civic Design offers a free and extremely helpful resources in their Field Guides to Ensuring Voter Intent (<https://civicdesign.org/fieldguides/>).

Voting Rights Restoration

A reversal of state law that prevents people with current or past felony conviction from participating in elections. Laws vary by state as to whether people with felony conviction never regain the right to vote or can regain the right to vote: after release from incarceration, after completion of probation and parole, or after completion of all of these and approval of an application by the state.

Recommendations:

- People with disabilities, and particularly people living with mental illness, are overrepresented among incarcerated populations. Voter education and outreach programs must be inclusive of people with disabilities and leverage accessible materials.

Conclusion

Providing a range of options for voters to engage with the electoral process can make it significantly easier to make elections as a whole more accessible for people with disabilities. Yet, it's important that each option offered to voters is made fully accessible, so as not create or exacerbate voter access and participation gaps between people with disabilities and the broader electorate. Pro-voter reforms come with a lot of promise in breaking down barriers for all voters, but they must be implemented accessibly and in accordance with state and federal disability rights law. P&As can play an important role in ensuring responsible, accessible implementation of pro-voter reforms.

About the Author



Michelle Bishop is the Disability Voting Rights Specialist at the National Disability Rights Network. She provides training and technical assistance to the P&A network regarding voting rights and access for voters with disabilities. Michelle also works in coalition with the civil rights community in Washington, DC to ensure strong federal policy regarding voting rights and election administration.

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