

Poll:



How do you plan to vote in 2020?



Elections, Access, and COVID-19

2020 Virtual Conference
Monday, June 1 – Tuesday, June 2



The Panelists

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WASHINGTON LAWYERS' COMMITTEE

FOR CIVIL RIGHTS AND URBAN AFFAIRS

Elections, Access, and COVID-19

OPPORTUNITIES FOR ADVOCACY

BY: MAGGIE HART

The Problem

- As states move to no excuse absentee voting, also known as vote-by-mail, they are not creating accessible mail-in voting.
- In light of the COVID-19 crisis, many states are moving to vote-by-mail systems quickly and they are failing to make those systems accessible.

Advocacy Strategies

- Advocacy with Litigation Strategy
- Complaint to Department of Justice
- Legislative Advocacy
- Press Strategy

Opportunities for Advocacy

- States with no excuse absentee voting (vote by mail)
- States using accessible options for Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) voters
- COVID-19 Executive Orders

Impact of COVID-19

- Executive Orders: New York, Michigan
- States Moving to Vote-by-Mail with Accessible Options
 - New Jersey
 - Delaware
 - District of Columbia

Unique Assets of the P&A System

- Protection and Advocacy for Voting Access
- P&As Knowledge and Reputation Within the State
- Surveys
- Self Advocates
- Youth

Research

- Review your state election laws.
- What options are currently available for voters with disabilities in your state?
- What is available for UOCAVA voters in your state?
- What accessible voting options are available in neighboring states?
- What resources does your state have? Review the state budget.
- Who are your potential allies? Who will advocate against accessible option?

Advocacy

- Targets:
 - Board of Elections
 - State Legislature
 - Secretary of State
 - Governor
- What to do:
 - Include Voters with Disabilities
 - Letters and Meetings
 - Testimony
 - Press
 - Use Allies/Coalitions

Litigation

- Claims under the ADA, Section 504, Local Human Rights Law
 - Co-counsel/Other Allies
 - Individual Plaintiffs
 - Organizational Plaintiffs
 - Temporary Restraining Order
 - Preliminary Injunction
 - Amicus

Poll:



Have you ever filed a DOJ complaint regarding voter access violations?

Complaint to Department of Justice

- US Department of Justice, Civil Rights Division, Disability Rights Section
- Complaints can be via [ada.gov](https://www.ada.gov).
- Pros: Guidance at the Federal Level
- Cons: Time
- A copy of the complaint filed regarding New York's COVID-19 Executive Order can be found [here](#).

Legislative Advocacy

- Educate Your State Legislators
- Testify
- Include Voters with Disabilities

Press Coverage

- Press is an Advocacy Tool
- Advocates of Paper Ballot Only Voting Systems are Using Press
- Include Voters with Disabilities

Thank You!

Maggie Hart, Counsel

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NDRN 2020 Virtual Conference
Institute

Idaho – A Case Study

June 2, 2020

Courtney R. Holthus, Esq.

Advocacy Director

DisAbility Rights Idaho

Session Outline

- Learn from Idaho P&A Experience in:
 - Idaho 2020 Primary Election Changes due to COVID-19
 - Collaborating with Other Stakeholder Agencies
 - Filing DOJ Complaint
 - Getting the Word Out to Voters with Disabilities About Election Changes

Idaho Primary Election Changes Due to COVID-19

- Pre-COVID:
 - Early Voting, Absentee Voting, Election Day Voting
 - Accessibility Options:
 - Accessible election day polling places, voter assistance, curbside or home voting, accessible voting machines/terminals, ability to register day of election.
 - Braille or large print ballots, ability to write notes with voters who are deaf/hard of hearing.
- Post-COVID:
 - Mail-In, Absentee Voting Only.
 - Accessibility Options?

Poll:



What other organizations or groups can you collaborate with or have you collaborated with in regards to this election?

Collaboration with Other Agencies

- Idaho Council for Deaf and Hard of Hearing
- Idaho Council for the Blind and Visually Impaired
- Idaho Council on Developmental Disabilities
- State Independent Living Council
- Northwest ADA Center Representative
- Other P&As
- Volunteer Attorneys

DOJ Complaint

- April 23, 2020 – DRI filed a DOJ complaint regarding accessibility concerns with Idaho's May 2020 Primary Election.
 - Disparities among the 44 counties re: accessibility, accommodations, and lack of information in general regarding accessibility and accommodations.
- May 15, 2020 – American Council of the Blind filed a supplemental DOJ complaint, detailing the experiences of two Idaho voters with disabilities in attempting to vote in this primary election.
 - No Braille ballots available.
 - Lack of privacy, independence in casting a ballot.
 - Health risks involved in using accessible machines.

DRI Voter Outreach & Research

- Website updates regarding the May 2020 election process.
- All information and referral, technical assistance, and case closure letters now provide individuals with updated information about voting in this election.
- Letters with updated voter information and registration forms sent to all residential habilitation (group home) providers, state mental health and ICF/IID facilities, private psychiatric hospitals.

Thank You!

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Q&A





Thank You!

