



To: Charlotte Lanvers, U.S. Department of Justice, Civil Rights Division, Disability Rights Section
From: American Council of the Blind
Date: May 15, 2020
Re: Concerns about Accessible Voting in the Idaho Primary Election

Dear Ms. Lanvers:

By way of introduction, my name is Claire Stanley and I am the Advocacy and Outreach Specialist with the American Council of the Blind (ACB). ACB is filing this supplemental complaint with the permission of Courtney R. Holthus, Advocacy Director and Attorney with Disability Rights Idaho (DRI), who has recently filed a complaint with the U.S. Department of Justice, Disability Rights Section over concerns related to accessible voting options for people with disabilities during the May 2020 Idaho primary. Specifically, this supplemental complaint will provide the direct experiences of Idaho residents who have not been able to procure a fair and equal way to vote via absentee ballot during the spring primary election.

According to Ms. Holthus' complaint, the governor of Idaho, Brad Little, has announced that because of the COVID-19 virus, residents of the state will only be permitted to vote via mail-in absentee ballots. However, because absentee ballots are exclusively provided in paper, standard-print font, those who are blind or visually impaired cannot privately and independently use such absentee ballots to vote.

Below are declarations of two separate Idaho residents who are blind or visually impaired. The declarations summarize their attempts to procure an accessible absentee ballot and the roadblocks they faced. These declarations will demonstrate that such state residents cannot vote privately and independently as afforded under the Help America Vote Act (HAVA), Title II of the Americans with Disabilities Act, and Section 504 of the Rehabilitation Act.

Deborah Allen

Ms. Deborah Allen lives in Ada County, Idaho. She is visually impaired and cannot vote privately and independently via a paper ballot. She contacted the Ada County voting office to inquire how she can vote in the upcoming election. She was referred to a supervisor named Courtney. Ms. Allen requested a braille ballot. Courtney told her that such ballots did not exist, and the county did not intend to develop such a way of voting.

The Ada County supervisor then outlined Ms. Allen's options to vote. First, the county would arrange to have another person fill out the ballot for her. Or, the second option was to have a ride arranged to pick Ms. Allen up and drive her to a clerk's office where she could vote independently on a Touch Mark voting machine.

Ms. Allen is not OK with either suggestion. First, she will not accept the first choice; she wants to vote privately and independently as is legally required. Second, she does not want to be driven to a polling place. The closest clerk's office is a long drive away; she cannot miss that much work. But more significantly, she does not want to be exposed to the COVID-19 virus by traveling to the clerk's office.

Carl Bessent

Mr. Carl Bessent lives in Kootenai County, Idaho. On May 6, 2020 he called the county clerk's office to inquire about receiving an accessible absentee ballot. Mr. Bessent is visually impaired and has challenges reading standard print. He specifically asked if the county could provide a large print ballot. The person he spoke with asked him to wait while she reached out to another employee of the clerk's office. When she returned to the phone, she explained that such ballots are not available.

Mr. Bessent was told he had two options to vote as a person with a visual impairment. He could have another person help him fill out the paper absentee ballot, or he could travel to the clerk's office to use an accessible voting machine. He was told that receiving an accessible paper ballot is not an option. When he mailed in his absentee ballot request, he also noted on the request that he is visually impaired and requires an accessible ballot.

Two themes are seen in each request for accommodations. First, Idaho residents who are blind or visually impaired are told they can have another person fill out the ballot for them. The voter cannot verify and cast their ballot independently. This practice runs afoul of a person's right to vote privately and independently. No American should have to divulge to another person who they desire to vote for because they have a disability.

Second, blind and visually impaired people are given the choice to travel to a polling place or clerk's office. This option is not safe; the governor of Idaho recognized the risk to the voter when he put the new policies in place to prevent the spread of the COVID-19 virus. Individuals with disabilities should not have to expose themselves to the virus when non-disabled people are not put into such a situation.

ACB requests that the U.S. Department of Justice investigate whether the current vote-by-mail system in the state of Idaho ensures that voters who are blind and visually impaired have equal access to all aspects of the voting system. This includes state residents' ability to vote privately and independently via absentee ballot, as well as residents' ability to vote accessibly at public polling places, if both choices are provided to other residents of the state. ACB asks that the investigation lead to the creation of a state policy to require accessible absentee voting procedures for people who are blind and visually impaired. The accessible absentee voting process must enable such individuals to register, vote, verify, and cast the ballot privately and independently via an electronic process that is accessible to all persons.

Please feel free to contact me if you would like to discuss this complaint in more detail. I can be reached via email at cstanley@acb.org, or via phone at 202 467-5081.

Sincerely,
Claire Stanley