# Proposed Resolutions of the National Federation of the Blind of Colorado, October 2020 to be Considered by the Members in Convention

Note that these are only proposed resolutions at this time, though we have included the date they would be considered by the general membership as the 31st Day of October. Each of these proposed resolutions must first be considered by the Resolutions Committee as appointed by NFBCO President Scott LaBarre before being recommended to the floor of the convention.

# Resolution 2020-01

# Regarding Improvements to the Accessible Online Ballot Marking System in Colorado

WHEREAS, since SB19-202, a bill introduced by Senator Jessie Danielson and championed by the National Federation of the Blind of Colorado, was signed into law by Gov. Polis in 2019 registered voters in Colorado with a disability as defined by the Americans with Disabilities Act (ADA) have been able to use the access technology with which they are familiar to privately and independently mark the printed mail ballot using a computer, smartphone, or tablet; an Internet connection; and a printer; and

WHEREAS, Colorado's new accessible online ballot marking system provides an equivalent voting option to Colorado’s vote-by-mail system for voters with disabilities in Colorado who are otherwise not able to mark the printed mail ballot without assistance or who, for reasons of health or difficulty obtaining transportation, are not able to travel to a voter service and polling center; and

WHEREAS, Colorado's accessible online ballot marking system requires the voter with a disability to print the marked ballot and a ballot application, to sign the ballot application (which has already been filled out), and to deliver the two documents—by mail or in person—to his/her county clerk or an authorized voter service and polling center; and

WHEREAS, the ubiquitous nature of the Internet, combined with the availability of electronic content delivery systems, have reduced the use of printers in our society—so much so that the average person is unlikely to own a printer, let alone having ready access to one; and

WHEREAS, voters with disabilities who do not own or have ready access to a printer are prevented from using Colorado's accessible online ballot marking system; and

WHEREAS, registered Colorado voters who serve in the military or who live overseas (so-called UOCAVA voters) have the opportunity to submit their voted ballots using fax, email, or a secure web portal; and

WHEREAS, as good as the accessible online ballot marking system is in Colorado, the requirement for a voter with a disability to own or have ready access to a printer deprives many voters of the benefits that this new system has to offer: Now, therefore,

BE IT RESOLVED by the National Federation of the Blind of Colorado, in convention assembled this 31st day of October, 2020, that this organization call upon the Colorado General Assembly, the Governor of Colorado, and the Colorado Secretary of State to work with the National Federation of the Blind of Colorado and other interested parties to make it possible for registered Colorado voters with disabilities to submit their voted ballots and ballot applications electronically using a system that is secure, convenient, and fully accessible.

# Resolution 2020-02

# Regarding nonvisual access to Colorado’s TXT2Cure system

WHEREAS, in a press release dated October 7, 2020, Secretary of State Jena Griswold announced that TXT2Cure, a service which enables voters to fix signature discrepancies on their ballot (a process known as curing the ballot) with their smart phones, would be used in conjunction with the November 3, 2020 general election; and

WHEREAS, according to the press release, with TXT2Cure, if voters are notified of a ballot signature discrepancy, they can text “Colorado” to 2VOTE (28638) and click on the link that is sent back as a reply; voters then enter their voter ID number printed on the rejection notice they receive from their county election office, affirm they returned a ballot for the election, sign the affidavit on their phone, take a photo of an acceptable form of ID, and select “Submit” to transmit this information to their county clerk; and

WHEREAS, had the office of the Secretary of State consulted with the National Federation of the Blind of Colorado during the early phases of TXT2Cure development, the following information would have been conveyed:

1. Writing one’s signature on a smart phone touch screen is a nonstarter today with screen reading software; a new approach must be created;

2. Photographing an identification card or anything else nonvisually with a smart phone requires enough information to be conveyed to the screen reading software to help the nonvisual user to properly position the camera; this requires additional information from mainstream software that it is not yet designed to provide; and

WHEREAS, while it is true that TXT2Cure is a new way to help voters resolve signature issues with their ballots and does not take away the more tried and true methods of ballot curing already available, the release of a new ballot curing system which, at the outset, is not accessible to blind voters, can hardly be viewed as an affirmation of Secretary Griswold’s publicly-expressed commitment to “safe, secure, and accessible elections”; and

WHEREAS, the failure to incorporate accessibility into the early development phases of TXT2Cure exemplifies an all too familiar and unnecessary pattern in which accessibility is bolted on after something has been developed—oftentimes with a good deal of grumbling and resistance; and

WHEREAS, when accessibility is included in new systems at the start of the design process, the result is lower cost and less retrofitting; and

WHEREAS, this latest problem with TXT2Cure is surprising and disappointing in light of the positive working relationship that has developed over the past year-and-a-half between the office of the Secretary of State and the National Federation of the Blind of Colorado: Now, therefore,

BE IT RESOLVED by the National Federation of the Blind of Colorado in convention assembled this 31st day of October, 2020 that this organization express its great concern with the decisions made by the office of Colorado’s Secretary of State, Jena Griswold, which led to the release and dissemination of a system (TXT2Cure) which, in violation of state and federal law, is not accessible to blind voters; and

BE IT FURTHER RESOLVED that this organization express its disappointment with Colorado Secretary of State Jena Griswold for the failure of her office to work proactively with the National Federation of the Blind of Colorado to anticipate (if not resolve) nonvisual access issues around the TXT2Cure system; and

BE IT FURTHER RESOLVED that this organization request that Colorado Secretary of State Jena Griswold and her office work closely with the National Federation of the Blind of Colorado to develop and implement innovative strategies to ensure that current and future software deployed on behalf of Colorado voters is fully accessible to everyone on the day of its release.

# Resolution 2020-03

# Regarding the Restoration of Transit Service After Service Reductions Due To COVID-19

WHEREAS, the COVID-19 pandemic has caused tremendous upheavals in our state, our country, and around the world; and in many cases it will take several years before a full recovery from some of its negative effects will occur; and

WHEREAS, because of the pandemic, mass transit providers across the state of Colorado have experienced significant losses in revenue, forcing them to drastically cut service and eliminate some fixed routes altogether; and

WHEREAS, it has been estimated that more than 70% of the blind population is either unemployed or underemployed, and for the blind community as a whole, public transportation is often the only affordable means for travelling to work, getting to school, and visiting with family or friends; and

WHEREAS, although ride sharing services such as Uber or Lyft may be available to blind people in metropolitan areas, they are either too expensive for some people or simply not available—as is the case in rural parts of the state: Now, therefore,

BE IT RESOLVED by the National Federation of the Blind of Colorado in convention assembled this 31st day of October, that this organization declare unequivocally that while service reductions forced upon transportation providers by the COVID-19 pandemic in light of current funding shortfalls might be understandable in the present moment, they should by no means become permanent; and

BE IT FURTHER RESOLVED that this organization work with the Colorado General Assembly and Colorado’s congressional delegation to ensure that Colorado’s various transit agencies have sufficient funding to enable them to restore or exceed the level of service provided prior to the COVID-19 pandemic.

# Resolution 2020-04

# Regarding Access to COVID-19 Testing

WHEREAS the COVID-19 pandemic has been recognized as the cause of death of more than 215,000 Americans and more than 2,000 Coloradoans; and

WHEREAS the U.S. Centers for Disease Control has published guidelines calling for anyone with known exposure to COVID-19 to seek testing to help track the disease's spread and possibly alert them to the need to quarantine; and

WHEREAS the City and County of Denver is the only municipality in the state with a mobile testing solution for transit dependent people that will come to homes; and

WHEREAS outside of Denver a transit dependent person must visit a testing site, meaning they would need to take rideshares, public transit or taxis to get testing; and

WHEREAS quarantine orders from local health departments for possible exposure explicitly bar people with suspected exposure from taking public transit, rideshares or taxis; and

WHEREAS the terms of service for most rideshare operators now say riders could lose their access to the services if they ride while aware of a possible COVID infection, possibly taking away a crucial tool of independence for the blind; and

WHEREAS most testing locations do not allow for pedestrians to get tested; and

WHEREAS even locations offering tests to walk-ups can choose to not allow symptomatic individuals to enter buildings for testing, requiring patients to undergo testing outdoors without any privacy during the procedure; and

WHEREAS many of Colorado's blind must choose among options that include violating health department orders, sacrificing privacy, possibly losing future access to public transit, rideshares or taxis or asking a friend or family member to risk exposure by driving a possibly infected individual for testing, therefore

BE IT RESOLVED by the National Federation of the Blind of Colorado in Convention assembled this 31st day of October, 2020, that this organization call upon state officials and local health departments to develop testing systems and services that provide the state's more than 1 million transit dependent people, including the blind, with prompt, equitable and safe access to COVID-19 testing that complies with CDC guidelines; and

BE IT FURTHER RESOLVED that this organization commends the City and County of Denver for proactively developing a mobile testing solution for the transit dependent; and

BE IT FURTHER RESOLVED that this organization commits to work with other stakeholders, including groups advocating for the transit-dependent and those with disabilities, to push for the creation of these services and develop proposals that include funding mechanisms, partnerships and other ways to structure and fund effective testing systems.

# Resolution 2020-05

# Regarding the importance of universal access to educational management systems and remote learning systems used by parents and students who are blind

WHEREAS, the COVID-19 pandemic has forced a radical disruption of K-12 education, displacing hundreds of thousands of children who, under normal circumstances, would be attending in-person classes in public and private schools throughout Colorado and the nation; and

WHEREAS, the sudden change in circumstances forced upon everyone by the pandemic has compelled educators to quickly design and implement new systems for remote learning; and

WHEREAS, the ability to use these systems nonvisually was not a primary concern at the time they were rolled out in March of 2020; and

WHEREAS, blind parents across Colorado are reporting that the remote learning systems used to teach their children and the tools for communicating with parents are often difficult or impossible to use nonvisually; and

WHEREAS, the nonvisual access issues experienced by blind parents and blind children may be unintentional, but they are nevertheless significant; for example, if a blind parent is not able to read a homework assignment, it is hard to imagine how the blind parent can help the child to complete the assignment; and by the same token, if the blind child is not able to read a homework assignment using nonvisual access technology, it is unreasonable to expect the child to do his/her homework; and

WHEREAS, nonvisually-accessible remote learning systems and communication strategies do exist and have already been shown to be viable strategies for remote learning and communication, not to mention being a legal requirement; and

WHEREAS, the transition to greater use of digital curriculum, learning management systems, and communication tools was already underway before the pandemic, and the use of these applications will likely remain an integral part of the education system going forward: Now, therefore,

BE IT RESOLVED by the National Federation of the Blind of  Colorado in convention assembled this 31st day of October, 2020, that this organization call upon the Colorado State Board of Education to develop a policy mandating school districts to make full accessibility a requirement when selecting educational technology and implementing websites and web-based applications; and

BE IT FURTHER RESOLVED that this organization call upon every school district in the state of Colorado  to replace inaccessible remote learning and communication systems with systems that are fully accessible; and

BE IT FURTHER RESOLVED that this organization offer its expertise to  schools and families to help educators and administrators to make decisions that ensure accessibility, and

  BE IT FURTHER RESOLVED that this organization monitor complaints about nonvisual access issues in K-12 education and respond appropriately to ensure that the rights  and interests of blind parents and blind children are properly considered.

# Resolution 2020-06 REGARDING THE COLORADO DEPARTMENT OF LABOR AND EMPLOYMENT’S ABJECT FAILURE TO APPROPRIATELY COLLABORATE WITH BLIND OPERATORS AS REQUIRED BY LAW CAUSING INJURIOUS HARM TO A STATE OF COLORADO OPPORTUNITY PROGRAM AND IRREPARABLE HARM TO COLORADO’S BLIND CITIZENS

WHEREAS, in 1936 Congress passed the Randolph-Sheppard Act which created a program to foster entrepreneurship for the blind on government property; and

WHEREAS, the program is managed in Colorado by the Colorado Department of Labor and Employment (CDLE) under designation from the United States Department of Education Rehabilitation Services Administration; and

WHEREAS, in Colorado the program is known as the Business Enterprise Program (BEP) for the blind and housed in the Division of Vocational Rehabilitation (DVR) within CDLE; and

WHEREAS, Business Enterprise Programs for the blind authorized by the Randolph-Sheppard Act and companion state statutes have historically been the most successful employment program for the blind; and

WHEREAS, in 2016 DVR was transferred in whole from the State Department of Human Services to CDLE; and

WHEREAS, in 2016 the National Federation of the Blind of Colorado worked closely with the General Assembly and CDLE to pass HB16-1048 sponsored by then-Representative Dianne Primavera, a law that was designed to usher in a new era of expansion for the program, however, after a much-ballyhooed listening tour and series of strategic planning meetings between CDLE management and other state departments who would become beneficiaries of the new statute, absolutely no new business opportunities have been procured for the program by CDLE; and

WHEREAS, the onset of the global pandemic has resulted in closure of the majority of the Program’s blind operated businesses as well as a dramatic loss of income to those who are still managing to operate; and

WHEREAS, this crisis has also revealed a deep chasm of systemic mismanagement particularly with regard to appropriate transparent accounting controls; and

WHEREAS, during this crisis upper management seems to have prevented highly-qualified frontline business consulting staff from making even minor day to day decisions, bringing direct harm to blind operators and the customers they serve, while at the same time lowering the morale of staff; and

WHEREAS, Title 34 – Part 395.14(b)(1) explicitly states that the agency MUST, “Actively participate with the State licensing agency in major administrative decisions and policy and program development decisions affecting the overall administration of the State's vending facility program”; and

WHEREAS, even with a lack of appropriate budgetary oversight including the denial of active participation by blind operators, CDLE has moved forward with unusual speed in an effort to hire a new program manager against the will of blind operators; and

WHEREAS, the elected committee of blind operators have been allowed only minimal, tangential, token involvement in the decision process and design of hiring protocol and procedures resulting in finalists who, in the opinion of the elected committee, do not possess the appropriate experience, skills, and understanding to carry out management of such a complex and demanding program; and

WHEREAS, even the job description itself is not adequate to ensure a pool of qualified candidates, including candidates who may happen to be blind or have other disabilities; and

WHEREAS, the Colorado Business Enterprise Program has often been regarded as one of the finest in the Nation; and

WHEREAS, this recent egregious pattern of behavior on the part of the Colorado Department of Labor and Employment must not be allowed to persist: Now, therefore,

BE IT RESOLVED by the National Federation of the Blind of Colorado in convention assembled this 31st day of October, 2020, that this organization roundly and strongly condemn and deplore the actions of the Colorado Department of Labor and Employment for intentionally ignoring the hopes, dreams, wishes, capacities, experiences, desires, and needs of Colorado’s blind operators; and

BE IT FURTHER RESOLVED that we demand that the department take immediate steps to rectify this blatant violation of both the spirit and letter of the Randolph-Sheppard Act; and

BE IT FURTHER RESOLVED that we demand unequivocally that the Director of the Colorado Department of Labor and Employment take an immediate and personal management and operational interest in the Business Enterprise Program working in collaboration with leaders of the Elected Committee of Operators, leaders of the National Federation of the Blind of Colorado, and frontline Business Enterprise Program staff to bring about essential program reforms including appropriate transparent fiscal oversight, marketing and collaboration with other state departments to expand the program as envisioned by the General Assembly in 2016 and other initiatives to stabilize and grow the program; and

BE IT FURTHER RESOLVED that we insist that CDLE immediately abandon the current flawed Program Manager search and selection process and that CDLE commence a new transparent hiring process, including the development of an appropriate job description.

# Resolution 2020-07

# REGARDING THE ESTABLISHMENT OF AN OFFICE WITHIN THE COLORADO DEPARTMENT OF TRANSPORTATION TO ENSURE ACCESS TO STATE AND LOCAL TRANSPORTATION BY PEOPLE WITH DISABILITIES

WHEREAS, Colorado citizens with disabilities have the same need to compete, participate, recreate, and engage in all manner of the activities of life on equal terms with every other citizen; and

WHEREAS, arguably one of the greatest impediments to engaging in activities of life and citizenship confronting Coloradans with disabilities is a persistent lack of accessible affordable transportation; and

WHEREAS, a new Colorado economy, advances in technology, the pandemic, and other factors are bringing significant changes in the way transportation systems are being researched, developed, and deployed under the coordination of the Colorado Department of Transportation along with local authorities and both for-profit and non-profit entities: Now, therefore,

BE IT RESOLVED by the National Federation of the Blind of Colorado in convention assembled this thirty first day of October, 2020, that this organization calls upon the Colorado Department of Transportation and the General Assembly to take such action as necessary to establish an Accessible Transportation and Mobility Office within the Colorado Department of Transportation to ensure that research, planning, licensing and/or implementation of short- and long-range transportations systems will substantially improve the accessibility of those systems for Coloradans with disabilities as well as their availability to those Coloradans with disabilities living in rural or remote parts of the state.

# RESOLUTION 2020-08

# Regarding Equal Access to the Web Act

WHEREAS, equal access to websites, mobile apps, and other information technology is imperative to living in today's world implicating every area of daily life including, education, shopping, employment, entertainment, public health and safety information, and much, much more; and

WHEREAS, assistive technology used by the blind such as text to speech technology allows the blind to gain access to information as efficiently, comfortably and easily as the sighted; and

WHEREAS, however, most websites, mobile apps, and other information technology are either entirely inaccessible using assistive technology or possess significant access barriers; and

WHEREAS, existing civil rights laws such as the Americans with Disabilities Act broadly mandate equally effective communication with those who are disabled, but generally, there are no clear regulations and laws regarding how websites, mobile apps, and other information technology can comply with these civil rights laws; and

WHEREAS, global standards such as the World Wide Web Consortium’s Web Content Accessibility Guidelines (WCAG) and the regulations promulgated pursuant to Section 508 of the Rehabilitation Act exist and inform owners and operators of websites, mobile apps, and other information technology how to provide their information in an accessible manner; and

WHEREAS, to ensure equal access for those who are blind, it is necessary to adopt such standards into law: now, therefore

BE IT RESOLVED by the National Federation of the Blind of Colorado in Convention assembled this 31st Day Of October, 2020, that we urge the Colorado General Assembly to pass into law an Equal Access to the Web, Mobile Apps, and Other Information Technology Act which would incorporate into law the most recent WCAG and Section 508 standards; and

BE IT FURTHER RESOLVED that we insist that any web accessibility Act include the full measure of relief and remedies available under law including but not limited to all economic and non-economic damages, injunctive relief, and attorney fees and costs.