

Missouri State Board Minutes January 2021

At the bottom of this document you will find the January 2021 action points and the governmental affairs report.

President Shelia Wright brought the meeting to order at 10:05a.m.

Officers present President Shelia Wright, Vice President Melissa Kane, Second Vice President Jenny Carmack, Recording Secretary Becky Boyer, Corresponding Secretary Daniel Garcia, Treasurer Carol Coulter.

Board members present Gene Coulter, Dacia Cole, Amy Wilson, Jeff Giffen, Robin House, Chris Tisdal, Roger Chrome, and Gary Wunder.

Melissa Kane made the motion to accept the October 2020 state board minutes sent out by email. Dacia Cole seconded the motion. The motion was approved.

Daniel Garcia made a motion to accept the November 30, 2021 special board meeting minutes as emailed. Jeff Giffen seconded the motion. The motion was approved.

Chris Tisdal made a motion to accept the January 10, 2021 special board meeting minutes as emailed. Roger Chrome seconded the motion. The motion was approved.

Hal Boyer read the October 2020 action points and a couple of the points carried over to the January 2021 action points which can be found at the bottom of this document.

Carol Coulter gave the December 2020 treasurers report. Jenny Carmack made the motion to accept the report as read. Dacia Cole seconded the motion. The motion was approved. Beginning checking account balance \$7,560.86, ending balance \$7,669.01, total non-restricted funds \$225,127.58, total restricted funds \$101,795.04.

Daniel Garcia gave the public relations committee report. An article about White Cane day was published in the Jefferson City tribune. The Missouri affiliate information on Newline has been updated and was uploaded in December 2020. They are still working on the letter that will go out to schools with blind students about how educators can best work with blind students virtually and in person. Tera Cocovizzo had a letter published in the Kansas City news paper about what she was thankful for.

Carol Coulter asked for articles about the Jefferson City seminar for the Blind Missourian. Carol Morgan will send in article about the RADA fund raiser.

Randy Carmack gave a website committee report. The scholarship application is on the state website and it closes February 1st 2021. The state 2021 convention registration form is also on the website and the last day to register is March 10th 2021. There are no set dates for when the website will transition from state level to national level but when the dates are given Randy will let everyone know.

Hal Boyer gave a report about the social media committee. He said so far everything was running smoothly at this time. He will have Becky put his email on the list serve in case people want to send him information about things they want posted on the Facebook page.

Carol Morgan gave a ways and means committee report. Auction in a box is not going to be done because the platform is not accessible but she is checking on another auction platform to see if it might be voice accessible. A new state fund raiser is with the company called RADA. You can order products from their on line website and their catalog. Information has been sent out to each board member about this fund raiser which they can pass on to the members of their chapters. We get 40 percent from each order and RADA cuts a check to the state affiliate each month on all the orders made in that month. Most of the products sold by RADA are made in the USA. The deadline for king and queen is March 10th 2020 and funds need to be sent to Carol Morgan. Amy Wilson made a motion to have a meeting about the RADA fund raiser. Carol Coulter seconded the motion. The motion was approved.

President Wright encouraged chapters to give money to the Rittgers fund because this fund helps people attend a state convention for the first time.

Chris Tisdal gave the membership committee report. The Louis and Clark chapter got two new members and the Jefferson City chapter got one new member. To encourage interest with perspective members the membership committee will host a game night in May 2021.

President Wright wanted to welcome a new chapter being set up which is the Ivanhoe chapter. James White is the President and Linda White is the Vice President and at this time they have twelve members.

Gene Coulter made a motion to accept the Ivanhoe chapter into the affiliate. Melissa Kane seconded the motion. The motion was approved.

Roger Chrome gave the governmental affairs report. The Jefferson City seminar will be virtual. Each chapter will get a list of legislators that they need to make appointments with. They should try and make appointments sometime between February 15th thru the 19th. There will be a briefing on the evening of the 15th and there will be a follow up meeting done with everyone on the 18th. Appointments can be made outside this week if your legislator is not available. All of the legislation information from this report can be found at the bottom of this document.

Melissa Kane gave a report from the accessible voting committee. They met with the Deputy Secretary to Ashcroft about voting accessibility. The meeting was unproductive because they do not understand the A D A laws as it pertains to voting accessibility. The problems with voting accessibility was being pushed off on to the County clerks. They are hoping they will not have to deal with each county because there is 117 of them. They are waiting on guidance from the NFB National office.

Gene Coulter gave a report on the logistics for the virtual 2021 state convention. The convention registration is on the website and he will also send the registration form out on the list serve. The registration fee is \$10. The registration needs to be done by March 10, 2021. Your chapter dues will need to be paid by March 10th if you want to vote during the convention. The telephone number you would like to vote with needs to be listed on the registration

President Wright said that the elections would be done by voice vote and we will only use the phone voting if there is a contested vote. There will be training done on how to do the phone voting.

Amy Wilson said if chapters had door prizes they would like to donate send them to her. They would appreciate cash or gift card donations. Dennis Miller said they have everything worked out for opening ceremony and banquet. Gene Coulter said that exhibitors will be set up in zoom rooms and the links will be provided.

Robin House gave a report from the scholarship committee. The deadline for the scholarship application is February 1st. They have received five completed applications thus far and have started interviews.

Chris Tisdal gave a report from the diversity and inclusion committee. They meet on the first Thursday of each month. They are working on having a panel speak at the state convention. Angela Fredrick will be speaking at the convention about diversity and inclusion. If you have any issues with diversity and inclusion then please let Chris know.

President Wright, Dennis Miller, and Chris Tisdal gave a report about the Washington seminar. President Wright said there are member all over the state who are going to participate and the state zoom account will be used. To kick off the seminar President Riccobono will be giving a speech at the great gathering on February 8th at 5:00p.m eastern time. Dennis Miller said that the training for Washington seminar will be held on February 4th at 7:00P.m. Remember during your Zoom meetings during Washington seminar to dress professionally. Chris Tisdal will send out information about the mock interview and a updated Washington seminar fact sheet. At the bottom of this document you can find the Washington seminar fact sheet which will give information about what legislation was addressed during the seminar.

Jenny Carmack gave a report about the transition program. The program will be called Mission BEAM which stands for Blindness Empowerment Advocacy Mentorship. This is for students 14 to 21. They want to fill in the gaps on skills that students may not have. This may mean helping students with post secondary education and employment. They are doing research with other affiliates running similar programs. They want the program to help students with skills concerning advocacy, education, and provide individual mentorship.

Gary Wunder gave a report on the seniors program. They have started making recordings for seniors to help with simple living skills. Virtual contact can be difficult for some but when in person meetings are possible then information about resources needs to be provided. Gary welcomes any ideas.

President Wright spoke about the health and wellness program that the sports and recreation committee started. Lynn who is a registered dietitian is doing the nutrition program on Mondays at 7:00p.m. President Wright will ask her to speak at the convention.

Jenny Carmack spoke about the STEM program. This program was done virtually in conjunction with the NFB national office. There were two different sessions done and between both sessions 17 students participated.

President Wright said that everyone on the board will need to fill out the survey on sexual misconduct and this survey will only be available for one week. Everyone will need to sign up for sexual misconduct training which RAINN is doing in April.

President Wright said there will be a on line BELL academy done in conjunction with the NFB national office. The academy will be held in June, July, and August of 2021.

Gene Coulter gave a report from the data retention committee. A new website is being set up so archived information can be added to the site. If you have any NFB archived information please let Gene know so he can upload it to the website once the set up is completed.

Randy Carmack spoke about a random problem that was happening with the payment button for convention registration thru the state website. He will try to fix the problem as soon as possible. If you get a confirmation from NFB MO.ORG then the payment for registration did work.

Gene Fleeman has developed a new excel version of the annual chapter reporting form. If you would like to use this form just let Gene know and he will send it to you.

Jernigan and Tenbroek ok deadlines are February 20th.

Carol Coulter made a motion to adjourn the meeting. Chris Tisdal seconded the motion. The motion was approved. The meeting ended at 3:58p.m.

Respectfully submitted,
Becky Boyer
Recording Secretary

Action points for January 2021

- Becky Boyer will send out Hal's email out to members list.
- Daniel Garcia will send out the letter to chapters so they can forward to schools educating blind students in person or virtually.
- Roger Chrome will send out a list of legislators to each chapter so someone can schedule a meeting.
- Roger Chrome will email the fact sheet and the legislation information sheet.
- Gene Coulter will email the 2021 virtual state convention registration form.
- Chris Tisdal will email the up dated Washington seminar fact sheet.
- President Wright will ask Lynn to speak at the 2021 virtual state convention.
- Carol Coulter will give information about the pay pal account to the audit committee.



Shelia Wright, President
7928 NW Milrey Drive
Kansas City, MO 64152
Phone (816) 741-6402
www.nfbmo.org

LEGISLATIVE AGENDA OF BLIND MISSOURIANS

PRESENTED TO

is not what holds us back.

This is the message we bring to blind Missourians and the communities we live in. We pledge to be a resource to you and your constituents when they turn to you for help.

The National Federation of the Blind is a membership organization of and for the blind. As a volunteer, grassroots organization, we are blind people working on behalf of blind people. We come together on the local, state, and national level to address issues of importance to our fellow blind citizens. We promote programs that encourage self-determination, independence, and equality of opportunity.

Why Braille Is A Necessary Part of The Independence and Success of the Blind

It is said that learning to read is one of the greatest accomplishments of man, and if blind people are to succeed, literacy must be a part of our skill set. This is why we have Braille, the finger equivalent of what most see with their eyes. Only when literate are we able to meet the challenge of expanding our knowledge on a wide variety of subjects and gain an understanding of our world. By using Braille, we are able to read things for ourselves. While audio and electronic means of access are essential to living in our society in the age of advanced technology, there is no substitute for reading something yourself. The importance of having the ability to communicate in writing and knowing where to use punctuation and understanding how to spell is a fundamental skill. Especially is this so if you plan to do a white collar job.

In our schools, less than 10% of blind children are getting the benefit of learning Braille. At least part of the problem is determining early on who will be most efficient reading Braille, who will be so using print, and which children can benefit significantly from learning both. Print is too often decided upon because it is considered normal, but children who are functionally blind but have some sight pay the cost in eye strain, head aches, and the inability to read rapidly or for long periods. Our blind children soon associate reading with discomfort and real pain.

Studies clearly show that most blind people who are employed know and use Braille. This should speak volumes to the need for it, but while sighted students are learning to read, blind students are being evaluated using a number of inadequate tools. By the time students are expected to read in order to learn, our schools are just deciding to teach our blind children to read Braille. The forecast is gloomy; they are behind, and unless they and their teachers and outside tutors make a herculean effort, this is where they will stay—behind.

Getting and keeping a job relies on skills. Fundamental among these are reading and writing. Audio and video enhance the lives of our citizens, but they do not replace reading and writing, especially for blind folks. As the governor makes one of his priorities employment first, we have the responsibility to do what will make blind people employable and provide for them and the rest of our society the fruits that productivity brings to us all. To this end, we believe that a comprehensive approach to enhancing the educational experience for all students with blindness or low vision is not only the right thing to do but is absolutely necessary if the blind youth of today are to compete with their peers in the future global market.

Blind Students Rights to Independence Training and Education Act (Henceforth referred to as the BRITE Act)

In the spirit of addressing the building of literacy and capacity for success, we would like to offer proposed language for a piece of legislation that will enhance the education of blind children through a comprehensive approach. This Act would require an increase in the availability and utilization of Braille instruction for all children that would benefit from the learning of this skillset. The Act outlines an approach of addressing Braille instruction and combining this with a range of Assistive Technology that would be available to the student in the classroom and at home. Another important aspect to independence and success in competitive employment is the access to Orientation and Mobility which is necessary for the blind to learn to navigate independently using the available tools and learning to increase recognition of tactile and audible clues to assist in safe, independent navigation. Additionally, the BRITE Act encourages proactivity of those involved in the instruction of blind students through continuous education and self improvement for these professionals. The NFB is asking for your help to create an equal and fruitful learning environment for all children. You can make a difference by sponsoring the proposed legislation as described in the attached BRITE Act proposed language.

Blind Pension Legislation

HB 117, sponsored by Representative Walsh-Moore, has one simple but essential function, to remove the word certified from the law regarding correspondence with blind pension recipients. The well-intentioned insertion of the word certified has

caused significant expense to the state as well as to blind recipients who are often forced to go to the post office to pick up mail that would otherwise be found in their box. Not only is this an unnecessary expense; it reduces the time blind pension recipients have to fill out the yearly recertification required and has caused a number of blind people to be terminated and subsequently reinstated, again at significant cost to the state of Missouri and its blind residents who receive the pension. Therefore, HB 117 seeks to remove the word certified from the laws governing Blind Pension. Many blind Missourians have experienced significant issues due to the certified mail requirement, and that is why the National Federation of the Blind of Missouri strongly supports this legislation as presented.

The Recording of IEP and 504 Meetings

HB 228 (Representative Basye) and SB 134 (Senator O’laughlin) seeks to allow parents and legal guardians to record IEP and 504 meetings. Often meetings are long, and having good notes is crucial. The IEP team consists of the parents and half a dozen or more school personnel. A lot of information is exchanged, and some of it is highly technical and difficult for parents to initially understand. If one is blind and the information is presented in a form he or she cannot read, the problem becomes even more difficult and added emphasis falls to understanding exactly what is said. even if the parents are able to follow along well enough to fully participate in the decision making, recalling the necessity and reasoning for certain decisions is difficult at best. For many people who are blind, an effective method for taking notes is to record the meeting. Unfortunately, many school districts have put policies into place to limit the access to this method for parents and guardians. This leads to misunderstanding and frustration for both parents and school personnel. Therefore, the National Federation of the Blind of Missouri supports this legislation, and on behalf of blind parents in Missouri, we ask you to support the passage of HB228 and SB 134.

Accessible Voting In All Elections

There are multiple bills that have been introduced in the House that address voting from a variety of points of view. The National Federation of the Blind believes that the ability to securely and independently cast a private ballot is a sacred promise allowed to every American through our constitution. We understand that discussions must be had related to voting. It is in the spirit of this understanding that we are not promoting or opposing any particular piece of legislation. We are, however, re-stating our position on the imperativeness of accessible voting for all of us. Below, we discuss the reasons behind our assertions and ask that, as you debate voting legislation throughout the session, you keep in mind how sacred your vote counting is to you. With this in mind, you will better empathize with our positions and the value we place on casting a ballot independently and privately.

The Help America Vote Act (HAVA) recognizes the right of the blind to vote privately and independently by requiring nonvisual access for the blind through the use of accessible voting systems in all federal elections. Electronic voting technologies, designed and properly configured with nonvisual access, provide blind voters with the ability to cast their votes privately and independently and to verify, without sighted assistance, that their ballots accurately reflect their voting choices. Electronic voting systems were certified and purchased, and Missouri received federal funds for each polling place to provide at least one accessible voting machine. All certified machines in Missouri provide a paper trail.

The Missouri Secretary of State's Office is evaluating newer machines that mark directly onto the paper ballot. The options are there if legislation to make the paper ballot the official ballot of Missouri is passed. The work of the Secretary of State will also be invaluable when the existing machines need to be replaced.

Accessible machines are already required for the state to comply with HAVA. Some election boards may set these machines up more frequently than others. We ask that they be used consistently in all elections. The cost of setting them up should be minimal since "text to speech" options are available. Concerted efforts are made to get voters to the polls; Missouri should assure that when they arrive, they have the means to cast their ballots privately and independently.

Beyond the example and financial assistance HAVA has provided to emphasize accessible voting, there are two federal laws that require all elections to be accessible to bring Missouri into compliance. Voters with disabilities have the same right to vote privately and independently as do voters without disabilities. When accessible voting machines are not present in state, county, and municipal elections, blind, visually impaired, and other print disabled voters are denied an equal opportunity to cast their ballot privately and independently. This is a violation of Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973. As a recipient of federal funds, Missouri and our Election Boards are required to comply with Section 504 of the Rehabilitation Act.

Additionally, the Americans with Disabilities Act guarantees equal access for individuals with disabilities to the benefits of the services, programs, or activities of a public entity. Public entities must provide individuals with disabilities an aid, benefit, or service that is as effective in affording equal opportunity to gain the same result or benefit as provided to others. Public entities shall furnish appropriate auxiliary aids and services where necessary to afford individuals with disabilities an equal opportunity to participate in and enjoy the benefits of a service, program, or activity of a public entity. To be effective, the auxiliary aids and services must be provided in such a way as to protect the privacy and independence of the individual with a disability.

Whether the financial responsibility falls on the State of Missouri or the County Election Boards is a technicality that must not continue to preclude the full participation of blind, visually impaired, or other Missourians with disabilities who could benefit from the use of accessible voting equipment. Please assert due diligence in regard to bridging the gap that has prevented this legislation from passing in the past, and grant people with disabilities

the opportunity and the right afforded us to have the same privilege in every election that you value and take for granted as your right as a citizen of Missouri and of the United States of America.

Washington Seminar Legislative Fact Sheets:

Fact Sheet: Access Technology Affordability Act

Issue--The cost of critically needed access technology is out of reach for most blind Americans.

The high cost of access technology creates a difficult economic reality. Most access technology ranges from \$1,000 to \$6,000. For example, a leading screen reader is \$900, a popular Braille notetaker is \$5,495, one model of a refreshable Braille display is \$2,795, and a moderately priced Braille embosser is \$3,695. According to the United States Census Bureau 69.1 percent of blind Americans are either unemployed or underemployed.¹ Consequently, most blind Americans do not have sufficient financial resources needed to purchase these items.² These financial barriers can ultimately lead to a loss of employment, insufficient education, or even isolation from community activities.

Medical insurance will not cover the cost of access technology. Current definitions of "medical care," "medical necessity," and "durable medical equipment" within common insurance policies do not include access technology. These definitions were adopted in the 1960s "when medical care

was viewed primarily as curative and palliative, with little or no consideration given to increasing an individual's functional status.”³ Many states’ Medicaid programs and individual health insurance plans have adopted similar definitions and likewise will not cover the cost of access technology.⁴

Access technology enables blind Americans to participate in today’s workforce. Blindness is well-defined and measurable,⁵ but affects each person differently and at different ages. Since individuals’ needs differ, manufacturers have designed various tools that enable each blind American to perform tasks that they were once unable to accomplish themselves due to their blindness. Braille notetakers are frequently used in schools, screen-reading software allows workers to check their email at home, and screen-magnification software can help seniors losing vision learn about community activities. Access technology equips blind Americans to seek employment and stay employed. For the 69.1 percent of blind Americans who are either unemployed or underemployed, it is a vehicle that facilitates the job seeking process. Despite this critical need, public and private entities struggle to meet consumer demand.⁶ This leads to untimely delays in the delivery of necessary technology and ultimately harms the blind consumer.

Solution--Access Technology Affordability Act:

Makes access technology more affordable so that blind Americans can procure these items for themselves. It establishes a refundable tax credit for blind Americans in the amount of \$2,000 to be used over a three-year period to offset the cost of access technology. The credit created by ATAA will sunset after five years and will be indexed for inflation.

Provides flexibility for individuals to obtain access technology based upon their specific needs. Accessibility requires an individualized assessment of one’s own skills and needs. Therefore, blind Americans should be given the opportunity to procure access technology on their own to ensure that they are receiving the tools that are most useful for them.

Will increase federal income tax revenue. More blind Americans working means more people paying taxes. It also means that those blind Americans who obtain gainful employment through this tax credit will no longer need to draw from federal programs such as Supplemental Security Income or Social

Security Disability Insurance and will instead be paying into the Social Security Program.

GOAL--IMPROVE AFFORDABILITY OF CRITICALLY NEEDED ACCESS TECHNOLOGY NECESSARY FOR EMPLOYMENT AND INDEPENDENT LIVING.

Fact Sheet: Medical Device Nonvisual Accessibility Act

Issue--Advanced digital interfaces create barriers that prevent blind individuals from independently and safely operating home-use medical devices that are essential to their daily healthcare needs.

Home-use medical devices are becoming more prevalent and less accessible for blind Americans. The rapid proliferation of advanced technology is undeniable. Most newer models of home-use medical devices, such as glucose and blood pressure monitors, along with the emergence of in-home devices that offer medical care options, such as chemotherapy treatments and dialysis, require that consumers interact with a digital display or other interfaces. This new technology has been and continues to be developed and deployed without nonvisual accessibility as an integral part of the design phase, which creates a modern-day barrier. The inaccessibility of

home-use medical devices is not a mere inconvenience; if accessibility for blind consumers is omitted from the medical technology landscape, the health, safety, and independence of blind Americans will be in imminent danger.

Advancements in home-use medical devices have the potential to transform how people live in society but are currently designed for those with no functional limitations.¹ This flaw in product design limits options for blind Americans who need nonvisual access to critically important devices that help them to maintain their health and are available to people without disabilities.²

Nonvisual access is achievable, as demonstrated by a number of mainstream products. Apple has incorporated VoiceOver (a text-to-speech function) into all of their products, making iPhones, Macbooks and Mac desktops, and iPads fully accessible to blind people right out of the box. Virtually all ATMs manufactured in the United States are accessible, and every polling place is required to have a nonvisually accessible voting machine. Frequently, a simple audio output or vibrotactile feature can make a product fully accessible at little to no additional cost for manufacturers.

Current disability laws are not able to keep up with advancements due to the expeditious evolution of medical technology and its incorporation into home-use medical devices. Although the Americans with Disabilities Act and other laws require physical accessibility for people with disabilities (e.g., wheelchair ramps, Braille in public buildings), no laws protect the blind consumer's right to technology such as home-use medical devices. The National Council on Disability concluded that accessibility standards lag behind the rapid pace of technology, which can interfere with technology access.³ This trend of inaccessibility will continue if accessibility solutions are ignored. Only a fraction of medical device manufacturers have incorporated nonvisual access standards into their product design, while others continue to resist these solutions.

Solution--Medical Device Nonvisual Accessibility Act:

Calls on the Food and Drug Administration (FDA) to promulgate nonvisual accessibility standards for home-use medical devices. The

FDA will consult with stakeholders with disabilities and manufacturers and issue a notice of proposed rule making no later than twelve months after the date of enactment of the act. No later than 24 months after the date of enactment of the act, the FDA will publish the final rule including the nonvisual accessibility standards.

Requires manufacturers of home-use medical devices to make their products nonvisually accessible. Manufacturers will have twelve months following the publication of the final rule to ensure that all of the home-use medical devices they produce are nonvisually accessible.

Authorizes the FDA to enforce the nonvisual access standards for home-use medical devices. Any manufactured device found to be out of compliance, whether by a public complaint to the FDA or by an independent FDA investigation, will incur the same penalties as failing to meet the same safety standards as other home-use medical devices.

GOAL--END UNEQUAL ACCESS TO HOME-USE MEDICAL DEVICES FOR BLIND AMERICANS.

Fact Sheet: Twenty-First Century Mobile Apps and Website Accessibility Act

Issue--Websites are required by law to be accessible, but without implementing regulations most businesses and retailers have little

understanding of what accessible means.

Websites and mobile applications are an essential part of modern living. More than 313 million Americans use the internet,¹ and 81 percent of Americans say that they access the internet at least once each day.² That means that nearly the entire country is accessing websites and mobile applications every day. However, the need to access websites and mobile applications doesn't stop when it reaches Americans with disabilities. According to the American Community Survey, conducted by the United States Census Bureau, there are approximately forty million Americans who currently have a disability.³ Based on the numbers above, it is more than reasonable to assume that the vast majority of them are using websites and mobile applications.

The Department of Justice announced its intention to publish accessible website regulations more than a decade ago. On July 26, 2010, the twentieth anniversary of the passage of the Americans with Disabilities Act (ADA), the government published an advance notice of proposed rulemaking to address website accessibility.⁴ After that initial announcement, no further action was taken to substantially advance website accessibility.

The past few years have seen a significant increase in the prevalence of so-called “click-by” lawsuits. Businesses are required by law to make their websites accessible but claim to have no clear-cut definition of what “accessible” actually means. Meanwhile, people with disabilities must cope with inaccessible websites. ADA Title III lawsuits, which include website accessibility suits, hit record numbers in 2019, topping 11,000 for the first time.⁵ The number of lawsuits has been increasing steadily since 2013, when the figure was first tracked.⁶

Solution--Twenty-First Century Mobile Apps and Website Accessibility Act will:

Direct the US Access Board to promulgate accessibility regulations. The US Access Board will have 12 months following the enactment of the legislation to issue a notice of proposed rulemaking regarding website and mobile application accessibility, then an additional 12 months to issue the final rule.

Promulgate standards that strive to harmonize with Section 508 standards. The Section 508 standards promulgated by the US Access Board on January 18, 2017, are established guidelines for website and technology accessibility. Therefore, the regulations promulgated by the Access Board should harmonize with these standards.

Empower the Department of Justice to investigate the accessibility of websites and mobile applications. Either of its own volition or via a logged complaint pertaining to inaccessibility, the Department of Justice will have the authority to investigate accessibility concerns and commence civil action if necessary.

GOAL--END WEBSITE AND MOBILE APPLICATION INACCESSIBILITY FOR BLIND AMERICANS.

Fact Sheet: Americans with Disabilities Voting Rights Act

Issue--The constitutionally protected right to vote that is available to all Americans is inaccessible for blind Americans.

Current federal election law does not reflect the guarantee of equal access to voting for people with disabilities that is codified in Title II of the Americans with Disabilities Act (42 U.S.C. §12132). The Help America Vote Act (HAVA) ensures that polling locations for federal elections have at least one voting system accessible to individuals with disabilities.¹ However, the ballots produced by many of the accessible voting machines are different in size and content from the hand marked ballots, resulting in a lack of secrecy when only voters with disabilities use the accessible machines.

Untrained poll workers, voting machine malfunctions, and the lack of accessible voting machines in polling places prevent blind and low-vision voters from fully exercising their right to vote. The blind and low-vision voter survey conducted by the National Federation of the Blind following the 2020 general election² found that 27 percent of blind and low-vision voters who voted using an accessible voting machine said the machine was not set up and operating when they arrived at the polls. One-quarter of the voters who completed the survey in 2020 said that poll workers had problems setting up or operating the machine. Fifteen percent of survey respondents in 2020 who marked their ballot using an accessible machine said that poll workers did not provide clear instructions on how to use the machine.

Paper absentee ballots cannot be completed privately and independently by blind voters. An accessible way for blind, low-vision, or other print-disabled voters to privately and independently mark their ballots must be provided, as required by Title II of the Americans with Disabilities Act (ADA), and affirmed by federal courts.^{3,4} However, blind and print-disabled voters cannot mark and submit a paper absentee or vote-by-mail ballot privately and independently. For the 2020 general election, only twenty-six states provided an accessible way for blind voters to mark an absentee ballot.⁵

Paper voter registration and absentee ballot request forms are inaccessible to blind voters. Due to the inherent inaccessibility of paper forms, blind and low-vision voters must complete these forms with assistance. In addition, many online versions of these forms are inaccessible with screen-access technology. A 2015 report by the American Civil Liberties Union found that in 2014, only one state had an online voter registration form that was fully accessible.⁶ Additionally, a 2020 audit of online absentee ballot request forms by Deque Systems found that forty-three states had forms that were not fully accessible.⁷

Solution--Americans with Disabilities Voting Rights Act will:

Ensure that in-person voting is accessible for blind and low-vision voters, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters. Registering to vote and voting must require the exclusive use of accessible and universally designed processes, including electronic ballot marking devices for all voters. Ballot marking devices require the same security that other forms of voting require to ensure the process is safe and fair, and the use of ballot marking devices at polling locations allows blind and print disabled Americans to submit their ballots both privately and independently.

Require the education of state and local election officials and poll workers in the setup and operation of the machines, including accessibility features. At a minimum, poll worker training should include instruction on how to navigate through the audio ballot, how low-vision features operate, and how to address potential problems with the nonvisual election technology on Election Day. There must be enough in-person voting locations to make it practical and reasonable to use this option. In addition, it is equally important to ensure that the process for registering to vote is nonvisually accessible (including certification and signature requirements).

Require that vote-by-mail ballots and related voting materials (including voter registration) in elections must be accessible for blind and low-vision individuals. It is important to establish that the process for requesting, filling out (including certification and signature requirements), and submitting a vote-by-mail ballot is nonvisually accessible, including electronic ballot delivery and return. Offering an accessible electronic ballot delivery system can provide these voters with an equal opportunity to mark their ballot privately and independently at home using a computer and their own access technology.

GOAL--ALL METHODS OF VOTING, INCLUDING REGISTRATION, MUST BE ACCESSIBLE TO BLIND AND LOW-VISION CITIZENS.

