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DEPARTMENT *of* ELECTIONS

OFFICIAL GUIDANCE

DATE: September 1, 2020

RE: Use of Ballot Marking Tool for Print Disabled Voters

The following guidance is required by the United States District Court for the Eastern District of Virginia in *Gary v. Virginia Dept. of Elections* (Case No. 1:20-CV860) as the result of a consent decree.

Responsibilities of the Department of Elections:

- (1) By September 18, 2020, ELECT will make a ballot marking tool (with screen reader assistive technology) available to all localities. ELECT will utilize the myBallot solution from KNOWiNK to comply with this mandate. If ELECT is unable to implement this solution by September 18, then the deadline to comply is September 30, 2020.
- (2) ELECT will issue instructions to localities explaining how to make the myBallot solution available to all print disabled voters and how to count the ballots voted with the myBallot solution.
- (3) Because there will be print disabled voters who already requested and were mailed a paper ballot, ELECT will amend absentee ballot instructions so that these voters know that they may contact the General Registrar to void the paper ballot sent to them and instead vote using the myBallot solution.
- (4) ELECT will provide information on options available to print disabled voters in a press release, on its website, and through social media.
- (5) Within 30 days of the November 3, 2020 election, ELECT will provide to the plaintiffs a report with the number of print disabled voters who chose to vote using myBallot and summaries of any complaints or feedback received from voters.

Responsibilities of General Registrars:

- (1) If a voter applies for an absentee ballot on or after August 28, 2020 and marks that they require assistance in completing their absentee ballot, the General Registrar must contact the voter via mail, phone, or email (sample mail and email text attached) and ask if the voter has a print disability. If the voter confirms that they have a print disability, the General Registrar will offer to provide the absentee ballot using myBallot if the voter chooses.
- (2) If a voter chooses to use myBallot, submit a Jira ticket requesting to use myBallot. ELECT will contact you with instructions for setup and use. You will only need to submit a Jira ticket for the first voter. After initial setup, you will be able to use the system for any additional voters who choose to use myBallot.



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- (3) If the voter chooses to use myBallot, the General Registrar will mail to the voter an Envelope B inside an SBE-706-3A Absentee Return Envelope for return of the voted ballot. Voters using the myBallot solution must print the completed ballot and return it to the General Registrar using any of the methods available to all absentee voters.
- (4) The General Registrar will place a tactile marking on Envelope A (for example a hole punch, a corner cut, or a tactile sticker) so the voter can identify the envelope as Envelope A.
- (5) General Registrars must not reject ballots from voters with print disabilities based on the position of the voter's signature or address on Envelope B or based on the fact that the ballot is printed on regular paper. Provide training to all staff and Officers of Election who may process these absentee ballots.
- (6) Voted absentee ballots from the myBallot solution will need to be hand-counted and accounted for accordingly.