



★ VIRGINIA ★  
DEPARTMENT *of* ELECTIONS

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## OFFICIAL GUIDANCE

DATE: October 9, 2020

RE: Supplemental Guidance Regarding Electronic Ballots for Blind and Print Disabled Voters

This guidance supplements ELECT's September 1, 2020 guidance and is the result of the court's order in *Gary v. Virginia Dept. of Elections* (Case No. 1:20-CV860).

**Print disability** means blindness, low vision, or impaired manual dexterity.

### Responsibilities of General Registrars:

- (1) **Ask the voter if they have a print disability.** If a voter applied for an absentee ballot on or after August 28, 2020 and checks the box indicating they require assistance in completing their absentee ballot (**i.e. checks box 7d**), the General Registrar **must** contact the voter using the method that will reach the voter as quickly as possible. If you do not have phone or email contact information for the voter, you may contact the voter via regular mail. Sample written communication is attached.
- (2) **Voter has a print disability.** If the voter confirms that they are print disabled, the General Registrar **must** offer to provide an electronic absentee ballot using myBallot, if the voter chooses.
- (3) **Voter chooses an electronic ballot.** If a print disabled voter chooses to receive an electronic ballot, the General Registrar **must**:
  - (a) promptly submit a Jira ticket requesting to use myBallot. ELECT will contact the General Registrar with instructions for setup and use. If there are additional questions after ELECT contacts you, please contact the appropriate regional liaison or ELECT's IS Department. The General Registrar will only need to submit a Jira ticket for the first voter who chooses to use myBallot. After initial setup, the General Registrar can use myBallot for any additional voters who choose an electronic ballot;
  - (b) place a tactile marking on Envelope B (for example a hole punch, a corner cut, or a tactile sticker) so the voter can identify the envelope as Envelope B; and
  - (c) mail to the voter the Envelope B with the tactile marking inside an SBE-706-3A Absentee Return Envelope for return of the voted ballot.
- (4) **Voter Returns the Ballot.** Once the voter votes the electronic ballot, they must print the completed ballot and return it to the General Registrar using any of the methods available to all absentee voters.



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**(5) General Registrar Receives the Voter Ballot.**

- (a) 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.
- (b) General Registrars **must** provide training to all staff and Officers of Election who may process these absentee ballots.
- (c) Voted absentee ballots from the myBallot solution will need to be hand-counted and accounted for accordingly.

**You can act now to prepare to issue electronic ballot:**

The General Registrar may submit a Jira ticket to setup myBallot before any voter requests to receive an electronic ballot. After initial setup, the General Registrar will be able to use myBallot for any voters who choose to receive an electronic ballot.

**Actions taken by the Department of Elections:**

- (1) ELECT has made a ballot-marking tool (with screen reader assistive technology) available to all localities. The tool uses the myBallot solution from KNOWiNK to comply with this mandate.
- (2) ELECT issued 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. These instructions were dated September 1, 2020, and were reissued on October 6, 2020.
- (3) Because there will be print disabled voters who already requested and were mailed a paper ballot, ELECT has amended 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 has provided information on options available to print disabled voters in a press release, on its website, and through social media.