

Senate Committee on Government Operations
Testimony on H. 429
Rachel Seelig, Esq., Disability Law Project Director
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Madam Chair and Members of the Committee,

Thank you for the opportunity to testify on H.429.

My name is Rachel Seelig, I am director of the Disability Law Project at Vermont Legal Aid. Our project represents people with disabilities who have legal problems arising out of those disabilities. We are part of the state Protection & Advocacy System, along with Disability Rights Vermont.

The Protection and Advocacy system was established after much attention in the media of horrific treatment of people with disabilities at a place named Willowbrook that was supposed to be providing care to these individuals. The abuse and neglect was profound and shocking. As a result, P&As across the country receive a variety of federal grants to investigate and remedy abuse, neglect and serious rights violations impacting individuals with disabilities. Historically, and still today, one of the areas of serious rights violations for people with disabilities across the country is accessing the ballot box. Thus, one of the grants provided to the Protection and Advocacy System is for Voter Access. We call this PAVA.

I am here today specifically to offer support for this bill because it allows voters under 17 V.S.A. 2539(b) and (c) to vote through an electronically delivered ballot, and to submit that ballot through a secure portal maintained by the Secretary of State.

In Vermont, we have done a good job of ensuring people with disabilities remain eligible to vote. We ensure this right is retained regardless of guardianship status, need for assistance in reading a ballot or filling it out, housed/unhoused status, criminal history, and ability or inability to vote in person.

However, eligibility and access are not the same. Paper ballots remain an access problem for many voters with disabilities, especially those who have print disabilities, including people who are blind or visually impaired.

The Disability Law Project and Disability Rights Vermont support the changes this bill would provide. It is important that the electronic ballot, and the secure portal, are required to be compliant with web accessibility standards ([WCAG 2.1](#) AA compliant), and that the system allows voters to receive, mark, and return the ballot electronically.

Without this change, while voters with disabilities can receive a ballot electronically, it must then be printed out. This re-introduces the problem of print inaccessibility.

Web Content Accessibility Guidelines (WCAG) are recommendations that make content more accessible to more people with a wide variety of disabilities, but it is also important to recognize that they do not address all needs of all types, and all combinations. The shift from 2.0 to 2.1 of WCAG was intended to better address the needs of people with cognitive or learning disabilities, people with low vision, and people using mobile devices.

We also want to be sure that the same protections that are available for paper balloting are available for voters using this secure portal. This includes:

- Access to a sample ballot
- Opportunity to receive a “replacement ballot” if a mistake is made (or being able to undo and fix a mistake), at least to the same degree available when voting in person and making an error on a paper ballot,
- Ensuring the electronic ballot is accessible and having an accessible ballot marking system that is compatible with a wide variety of access technology such as a screen reader, screen magnification, or refreshable Braille display, applying the WCAG 2.1 AA guidelines,
- Ensuring access to election officials if the voter needs help to understand how to vote,
- Effective communication, often needed for Deaf, DeafBlind, and Hard-of-Hearing people including ASL interpretation, captioning, and the provision of auxiliary aids and services.

I have shared this bill with the National Disability Rights Network and the National Federation for the Blind, and wanted to take a moment to credit Lou Ann Blake at

NFB and Michelle Bishop at NDRN for assisting me in putting this testimony together.

In addition, I am including with my written testimony DRVT's 2022 voting guide, which we hope will be a useful resource for you and for your constituents.

Thank you.