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To: Rep. Sarah Copeland Hanzas, Chair
House Committee on Government Operations
From: A.J. Ruben, Supervising Attorney DRVT
Date: April 15, 2021
Re: DRVT Comments on S. 15

Please accept the following information from Disability Rights Vermont (DRVT) regarding your consideration of S. 15. DRVT is the federally-authorized disability Protection and Advocacy System in Vermont pursuant to 42 U.S.C. 10801 et seq., and is the Mental Health Care Ombudsman for the State of Vermont pursuant to 18 V.S. A. §7259. DRVT also receives and utilizes funding from the Help America Vote Act to increase voter turn out among Vermonters with disabilities pursuant to 42 U.S.C. §15301 et seq. and collaborates frequently with our Secretary of State's Election Division and other stakeholder around these issues.

We provide the following comments on S. 15 based on our work supporting Vermonters with disabilities to vote independently in all elections. Overall, DRVT's constituents reported they benefited greatly from the use of universal mail in ballots (UVBM) and drop boxes in this past election cycle. All efforts to meet the needs of voters with disabilities are appreciated and S. 15 includes many helpful additions to that end. DRVT collaborated with the Secretary of State (SOS) Elections Division to produce a July 2020 voting report based on focus group work with voters with disabilities. To gain more information about the experience of voters with disabilities in Vermont, please review the press release and full report at <https://disabilityrightsvt.org/press-releases/joint-press-release-vt-secretary-of-state-and-disability-rights-vermont-barriers-to-voting-for-people-with-disabilities-and-proposed-solutions-focus-group-project/>.

DRVT provides the following specific comments on the current bill as passed by the Senate for your consideration:

At page six of the bill, Sec. 2. 17 V.S.A. § 2502 is amended under (e) to include the requirement of available accessible voting systems AND other accommodations to

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On the web: www.disabilityrightsvt.org

allow voters with disabilities to use traditional voting instrumentality if they chose. DRVT believes that voters with disabilities will benefit greatly from the implementation throughout Vermont of these accommodations.

At page 7, Sec. 3. 17 V.S.A. § 2680 is amended to allow school boards and towns the option to mail ballots. DRVT believes this is a positive step towards providing more access to these elections for people with disabilities and encourages further study of the impact on towns and school boards that utilize this method.

At page 11 -12, Sec. 10. 17 V.S.A. § 2543 at (d)(1), regarding return of the ballot, does not include an option for electronic return of ballot. DRVT notes with concern that some people with mobility/dexterity-related disabilities are still not able to effectively access a paper vote by mail ballot because they cannot independently read, write, hold, or physically manipulate standard print materials in order to return the ballot according to statute. While the current law allows for electronic receipt of a ballot, it does not allow for electronic return of a ballot necessary to actually allow some voters with disabilities to independently cast their ballot. DRVT has been in discussion with the SOS Elections Division and other stakeholders about remedies to this problem, including sharing a Massachusetts Federal Court Order from 2020 requiring that State allow electronic return of ballots under specified conditions during the pandemic. See *Rivero et al. v. Galvin et al.*, No. 1:20-cv-11808, October 13, 2020. DRVT is hopeful that a resolution to this concern can be obtained prior to the next Federal Election and is grateful for the collaboration we have enjoyed with the Secretary of State's Elections Division and others towards that end.

At page 15, Sec. 16. 17 V.S.A. § 2546, notice to voters of defective ballots is made by postcard and the My Voter webpage. DRVT believes these dual methods of notice will make the process much more accessible to voters with disabilities, especially those that utilize computer and related technology to overcome barriers, and further the goals of expanding and empowering the voting public.

At page 23, Section 21a (b)(A) the bill does not identify a non-exhaustive list of populations to report on, including people with disabilities, and that could cause confusion or delay in the future. Adding a non-exhaustive list would be a potential remedy to avoid that concern.

Thank you for your consideration of this information as you move forward with the important improvements to our voting systems included in S. 15. DRVT staff is available to assist the Committee as needed with additional information or testimony.