

Good Afternoon

My name is Kate Larose, and I serve as the statewide pandemic equity coordinator with the Vermont Center for Independent Living. At VCIL, we are people with disabilities working together for dignity, independence, and civil rights.

My work includes assessing and responding to the ongoing and persistent pandemic related issues Vermonters with disabilities are experiencing—including for COVID longhaulers—developing resources and community, and supporting people in advocating for equal access to education, healthcare, and civic life.

As I've previously shared with your colleagues in Senate Government Operations, S.55 could have the possibility of being able to create more equal access for everyone, and especially for people with disabilities.

I am testifying here today as both an employee and as a Vermonter.

I know that laws are often only as good and as detailed as the stories that inform them. And the more stories the better. But here's the thing about asking disabled people to share their stories over and over about being systemically excluded. It's really hard. It requires vulnerability. And it's a lot of work, especially for people who are forced to spend most of their bandwidth trying to continually navigate access to the most basic of government services and so-called benefits just to survive.

So today—in addition to sharing some of the stories of those we serve in a way that protects their anonymity—I will also share a few stories with you from my own life experience. But please do not for a minute believe that these are the anomaly. This is how it is to try to attain one's civil rights protections. The only anomaly here today is that I have much more privilege than most.

In 2018 my life was brimming with civic engagement. I attended city council and school board meetings, was appointed to multiple statewide councils, drove to the statehouse to testify at public hearings, and even ran for a house seat that I lost by a couple dozen votes. I had ample opportunity to be an engaged community member.

Shortly thereafter, I experienced a traumatic brain injury and became disabled. Of all the things that changed for me during that time, one of the most challenging was losing the ability to be part of the community. Lack of accessible participation options meant that I was suddenly and completely shut out of civic engagement. This is the reality for many people with disabilities. I am hopeful that S.55 will change that.

As your committee considers changes and additions to this bill, it's important to underscore the context of where we are right now at this particular juncture as this proposed legislation—like any bill—is not being written in vacuum. So here's the quickest of reviews.

In 1991, [Title II of the Americans with Disabilities Act](#) was issued. Under Title II, people with disabilities must have equal opportunity to participate in and benefit from state and local government programs, services, and activities, including meetings and elections.

In 2017, the U.S. Government Accountability Office sampled 178 polling locations to determine accessibility and released [a report](#) sharing their findings. Their focus was on impediments to physical accessibility. They found that 60% of polling locations were inaccessible.

In 2018, the Vermont Secretary of State's office launched the use of the [Omniballot](#)—a tablet and online based system compatible with accessibility devices to ensure that some people with disabilities can vote independently.

In 2020, the COVID public health emergency began. [H.681](#) was signed into law. Section 1 reads:

"It is the intent of the General Assembly that, if the COVID-19 pandemic continues its expected spread in the State of Vermont, the citizens of Vermont should be able to protect their health, safety, and welfare while also continuing to exercise their right to participate in elections in order to maintain our democratic institutions. "

This included suspending the requirement for petitions with signatures, provided a means for electronic meeting participation, and enabled town meetings to be conducted via Australian ballot. (It is also worth noting that current COVID-19 prevalence today is likely far greater than it was when this bill was signed into law.)

And for all the harms that came along with the start of the pandemic, one of the silver linings was that—for many people with disabilities [including myself and others](#)—state and local governments provided, for the first time, an accessible means for equal participation.

In 2021—before we'd even heard of Omicron, and kids weren't yet eligible for vaccination—Governor Scott declared the end of the pandemic in Vermont via a gold seal decree. And with it, went newly created accessibility.

Shortly thereafter, I and many others had civic participation taken from us once again.

Here are just two examples I experienced shortly thereafter:

- In August of 2021 the City of Saint Albans held a meeting to create their diversity, equity, and inclusion committee. Community members wanting to public comment reached out to the city manager requesting virtual access, citing published guidance from Secretary of State Condos for virtual access. The city manager's response to an ADA request for inclusion...to a DEI meeting...was this:

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“Yes we disagree with Jim’s perspective on that. We find the quality of participation diminishes greatly when we are not in the same room.”

- In March of 2022 I was able to request an absentee ballot for the town of Canaan. When I received my ballot, I found it nearly empty. I was unable to vote on the town or school budget, and the latter failed by a handful of votes. There was no means of identification on the ballot request or the ballot itself identifying that most of the articles were not included.

And that brings us to where we are now, in this legislative biennium.

Last year—despite having H.42 signed into law which gave towns the tools they needed to make voting accessible to all, 175 selectboards choose to move ahead with local elections that were inaccessible to many—especially older Vermonters and those with disabilities. And this year, that number was even higher.

Despite [federal civil rights law](#) being clear about providing people with disabilities “full and equal opportunity to vote in all elections...in all parts of voting”, under current Vermont law, selectboards, city council members, and city managers have the option to discriminate. Despite public comment, published commentary, and submitted ADA requests for reasonable accommodations, that’s exactly what most towns around the state did the last two years.

As one town clerk [was reported](#) as saying, “it’s nothing exciting or unusual...it’s back to business”. And people with disabilities will tell you that systemic discrimination and exclusion are—indeed—business as usual.

And so around the state—in selectboard meetings, diversity, equity, and inclusion committee meetings, and Town Meeting Day—Vermonters with disabilities were denied access to all aspects of civic life, including watching proceedings, providing public comment, and voting.

But it wasn’t just the disabled who were denied. This lack of access extends to young people. Working people. People without childcare. People without transportation. In short, people with the least amount of privilege. In Brattleboro, [appeals for accessibility](#) resulted in a 3-2 vote for no remote option.

In Cambridge, [multiple people requested accessible voting options](#) for health and safety reasons at a public meeting, but only one individual—who put their request in writing which is not a requirement—was [granted an accommodation](#).

In one central Vermont town, an individual put in an accommodation request to vote on their town budget. The town clerk said that wasn’t possible. The voter later received their absentee ballot and the budget article was listed. When they called to thank the clerk they were told it was a printing error and that that version of the ballot would have to be returned, their vote

uncounted. Though everyone should have the right to vote, I feel that it's extra imperative here to underscore one particular fact about this case.

The individual who was denied an ADA accommodation was a decorated WWII veteran. After this experience, he was left wondering what he had fought for, if not for the most fundamental of freedoms. This year, in 2024, he was again denied the right to vote in his town elections.

Here's another example: In my current town of residence, I haven't been able to vote for two years.

Shortly after H.42 was signed into law by Governor Scott, I emailed to request that they consider one of two aspects of that law—Australian ballot or changing the meeting date—so that I could participate as reasonable accommodations under Title II of the ADA.

They put my request on the next selectboard meeting agenda so that me, my disability, and my accommodations request could be discussed amongst my neighbors. They deemed that my request was not reasonable. I was not able to watch the proceedings of that meeting. When I requested the minutes from the meeting in which this was decided, I was told that the only way to access selectboard meeting minutes was to schedule a time to go to the clerk's office in person during business hours to view paper copies stored in the vault.

This was the town meeting experience I was offered instead: a blank screen with bad sound, no absentee ballot option, and when I asked a question I was quickly told by the moderator that I could not speak.

I was provided a denial letter. The reasons for the denial? Not enough advanced notice, popular opinion is more important than ensuring rights for all, and limitations of state election law.

So I thought okay; lesson learned. I'll give as much advanced notice as possible in hopes of participating in Town Meeting Day 2024. So I submitted my ADA request last April, nearly a full 11 months prior to elections. I never heard back, so I reached out again on January 10, 2024. The response I received, and subsequent responses, stated that selectboard members considered my ADA request in tandem with informal feedback from last year's town meeting attendees. A straw poll was given higher priority and deference than federally and state protected civil rights. I was, however, invited to discuss my disability and plead my ADA accommodations request with the selectboard. I was told this would have to be done in open public session per state law. I declined that invitation.

And here's one last example: My child requires monthly infusions, but healthcare settings are currently too high risk for them. Given the location requirements for these infusions we have to travel up each time to a property that we are in the process of rehabbing. A \$2 billion project was being proposed to be installed feet from where my child gets these needed, monthly medical treatments. The selectboard in this town was tasked with making what would have

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been the biggest decision they've ever made to date, with consequential health and economic impacts for any properties along the proposed route.

These are the accommodations I asked for on May 28, 2023:

- Video and audio access to public meetings when this item was on the agenda
- The ability to public comment remotely
- Electronic access to materials shared at these meetings

Again, this required a selectboard to put me and my accommodations on a public meeting agenda. After they talked about me and my disability, the selectboard determined that no accommodations would be offered unless I provided them with a letter from a medical provider.

For accommodations that are already standard operating procedure in most towns across the state. Jumping through this additional hoop—a barrier put in place just because they could—required me to take time off work, pay for a medical appointment, and resulted in me being shut out of a number of meetings about this matter.

On July 26, 2023 I was able to provide the town with the requested letter. The letter from my medical provider had to go before the selectboard so that they could determine how they wanted to proceed. I was eventually provided access to meetings starting in September. It took over three months and a lot of spoons as a disabled person who only has the ability to work part time to finally gain access.

But when I finally did, this is the notice that was shared on the town's Facebook page. A friendly note announcing that the selectboard just wanted to ensure that everyone was able to participate "from the comfort of their own homes". None of the hoops I was forced to jump through were required. They were placed before me just because they could be.

This is what Vermont's current election law enables town officials to do; construct artificial barriers for disabled people just because they can.

S.55 is needed to prevent this from happening in the future. In this day and age, *everyone* should be provided with easy access to both virtual and in-person elections and other matters of state and local government. There is no excuse for it to be otherwise.

Accessibility and inclusion don't happen by accident and they don't happen by virtue of good intentions. They happen because laws are passed (and passed again), until we get it right. I am asking this committee to take action to get it right.

Because community and democracy are both stronger when everyone is able to take part.

Thank you.