

Testimony to House Governmental Operations and Military Affairs on Disability Inclusion in Voting Rights Protection

Alicia Weiss, Plainfield, VT

S. 298 An act relating to creating the Vermont Voting Rights Act

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Good morning. For the record, my name is Alicia Weiss. I thank the Committee for the opportunity to testify on bill S.298. Having followed this bill, I appreciate the time and careful consideration you have given it. For context,

I am a resident of the Town of Plainfield, the Chair of the Plainfield Accessibility Advisory Committee, and a member of the RevUp Vermont leadership team. My testimony is shaped by two decades of work with individuals with a wide range of disabilities, in higher education and as a Disability Rights advocate. I am also a person with disabilities. Although they do not currently impact my ability to vote, that has not and may not always be the case.

I want to thank the Committee for adding “disability” to the list of protected classes in § 2801 of S.298 and share why it is essential that it remains included, to ensure that voting in Vermont is not only compliant with the letter of federal and state civil rights statutes, but to embrace the spirit of our great state’s commitment to inclusive democratic process.

As legislative council has stated, the term “protected class” has no single comprehensive definition in either state or federal law, although its protections are enforced by federal laws such as the Civil Rights Act and the Americans with Disabilities Act, as well as state civil rights law. Therefore, membership in protected class needs to be enumerated in each and very application. The inclusion of disability in S.298 is consistent with Vermont state practice. For example, disability is among the protected groups intentionally named in Title 21 V.S.A. § 495 Fair Employment Practices; Title 9; V.S.A. § 4503 Unfair Housing Practice; and Title 9 V.S.A. § 4502 Public Accommodations.

I also request that you restore the language from the Senate version of the bill that grants private right of action, to provide remedy for taxpaying Vermonters in the event their fundamental right to vote is violated. If the only recourse is to appeal to the Attorney General’s office, which already has so much on its plate, individual Vermonters’ rights may not be protected.

My third, and no less passionate point is that protection of mail-in voting is critical to ensuring your constituents have the equitable participation in political life mandated by

law. Often, when considering challenges to accessible voting, people think first about visible disabilities, such as mobility impairments or visual impairments signaled by a white cane or guide dog. Certainly, our long winters, uneven terrain, and historic town halls with deferred maintenance, can present considerable barriers to those populations. But many other Vermonters, with perhaps less obvious conditions, depend upon mail-in voting for access. This includes, but is not limited to, individuals who are neurodiverse, immunocompromised, undergoing medical treatment, and those with brain injuries or certain mental health conditions.

Reflecting upon my experience with college and university students, ages 17- 80, I am especially reminded of the significant number of veterans with post-traumatic stress disorder (PTSD) and acquired traumatic brain injuries (TBIs). Frequently, these men and women who had served our county, were the most reticent to request accommodations or other support. They were tough and sometimes did not think they deserved support, because they had come home when some of their comrades in arms had not. Many times, these folks did not appear in my office until they had failed a semester, or a trusted faculty member had escorted them to Disability Services.

Crowded, brightly lit, and noisy environments were difficult- and in some cases, unbearable for these wounded warriors to inhabit for more than a few minutes, let alone to learn in. I will never know how many just gave up on the dream of higher education. In-person voting is similarly exclusionary for many persons with PTSD, TBIs, and other “invisible disabilities.” The COVID pandemic provided a lifeline to these folks, along with the subsequent expansion of online degree programs. In the civic realm, hybrid participation and mail-in ballots expand accessibility.

Therefore, I am asking this Committee to include additional language that will guarantee ongoing access to mail-in ballots, the future of which is threatened. Mail-in voting benefits not only persons with disabilities, but round-the-clock family care-takers, people with unreliable transportation, and those working several jobs just to feed their families.

I understand you have been working long and hard on this bill and hope to conclude that work today, but I urge you to take a little more time to finish the job of safeguarding Vermont’s democratic process. To remain true to the ideals of America, we have an obligation to ensure that all residents can vote independently, with dignity, and without undue hardship.

I thank you.