



Dear Members of the Vermont Legislature,

The American Association of People with Disabilities (AAPD) submits this letter in support of the Addendum authored by disability rights advocates and included in the Secretary of State's report on the Act 133 Working Group.

AAPD is a national disability-led and cross-disability organization that advocates for full civil rights for the over 70 million Americans with disabilities. Since 2016, AAPD has worked to build the power of the disability vote through increasing civic engagement and improving election accessibility via its REV UP campaign. We support disability voting rights coalitions in twenty states and have engaged in disability voting efforts in 48 states.

According to an analysis of the 2022 elections by the U.S. Election Assistance Commission (EAC) and Rutgers University, Vermont had the largest turnout gap, with disabled voters participating at a rate of 14.2 percentage points less than nondisabled voters, significantly higher than the 1.5-point national average¹. This disparity is a direct result of systemic barriers faced by disabled people. EAC research further supports this, as it shows that states that improved access to vote by mail in 2018 and 2022 saw a significant increase in turnout among voters with disabilities.

As reflected in the Addendum, and by the lived experience of disabled Vermonters, systems that require individuals with disabilities to request accommodations or disclose their disability in order to participate place unnecessary and inequitable burdens on disabled voters. Creating exceptions for disability and allowing remote participation only for disabled voters results in segregation and stigmatization. Further, there are many people without disabilities who may experience barriers to attending town meetings and voting in person, whether as a result of weather, emergencies, caregiving obligations, and more.

Democracy only works when everyone is able to participate. Universal design approaches, such as offering remote participation and accessible ballot methods, are essential to an inclusive democracy. Small towns across the country, and within Vermont, have demonstrated that this is possible. Preserving historic traditions does not have to come at the cost of excluding people with disabilities.

AAPD supports efforts to ensure that all Vermonters have full and equal access to local democratic participation, including Town Meetings and municipal elections. State election and public accommodations law support this, too. We appreciate the opportunity to submit this letter in support of the Addendum and welcome continued dialogue on how Vermont can strengthen election accessibility and participation.

Sincerely,
Alexia Kemerling, akemerling@aapd.com
Director of Accessible Democracy
American Association of People with Disabilities

¹ Schur, Lisa, Douglas Kruse, and Mason Ameri. 2023. "Disability and Voter Turnout in the 2022 Elections, Supplemental Analysis of Census Voter Turnout Data" https://www.eac.gov/sites/default/files/2023-07/EAC_2023_Rutgers_Report_Supplement_FINAL.pdf.

Disability Rights Addendum to the Act 133 Working Group Executive Summary Report

This addendum is authored by disability rights advocates wishing to supplement the report written by the Secretary of State's office regarding the Act 133 Working Group.

The Secretary of State's report commences with the statement that "democracy is built on participation" – we agree. We believe all Vermonters should be able to exercise their fundamental constitutional right to participate in our democracy, including local elections, but Town Meeting is wholly inaccessible to many Vermonters with disabilities. The report does not capture the reality that many areas of disagreement within the Working Group arose from the disability community's efforts to advocate for universal design and consideration of the varied needs of individuals with disabilities. It also does not reflect the reality that Vermont ranks nearly dead last nationally for disability access in voting (we're 49th, just barely above NH and TN)⁵³.

We believe that a correct interpretation of state election and public accommodations law would require towns to ensure that individuals with disabilities have full and equal access to Town Meeting discussions and voting. Equal access means alternatives to in-person attendance and floor votes. When towns require individuals with disabilities to self-disclose, they subject them to publicity about their disabilities and their reasonable accommodations requests. This is unjust and unnecessary. If the only people permitted to attend public meetings remotely are people with disabilities, this creates yet another way that people with disabilities are forced to publicize their status and be cast into a role of "other" by their community.

We strongly urge the Legislature to consider statutory changes that would ensure that all people, regardless of disability status, be afforded alternative ways to participate in Town Meetings and local elections. We also ask that the Legislature consider requiring that all municipal votes be taken by Australian ballot, rather than floor votes, to ensure greater accessibility and participation in local democracy. As noted in the report, some towns have already explored alternatives to the traditional floor vote. In Jericho, for example, community discussion and debate with hybrid participation options are part of the extended Town Meeting process (split into three dates), but final voting is by Australian ballot. Embracing universal design concepts in all aspects of local meetings and elections would obviate the need for people with disabilities to make individual accommodation requests and self-disclose, and would result in all Vermonters having

⁵³ MIT Election & Data Science Lab. (2026). *Elections performance index*.

<https://elections.mit.edu/#/data/map>

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more equal access to alter and reform government as protected by our state constitutional rights.

We ask for the opportunity to provide additional testimony at a public hearing on this important issue.

Signatories:

American Civil Liberties Union-Vermont

Disability Rights Vermont

Vermont Human Rights Commission

Vermont Center for Independent Living

Mohamed Diop, Act 133 Working Group Member

Meghan O'Rourke, Executive Director, CCTV and VT Access Network representative on the OML working group

League of Women Voters of Vermont

Maria Rinaldi, Jericho DEI Committee member

Susan Kasser, Jericho DEI Committee member

Beth Esmond, Jericho DEI Committee member

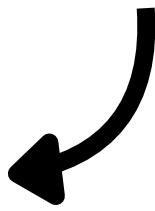
Plainfield Accessibility Advisory Committee

Vermont Coalition for Disability Rights

Disability Law Project of Vermont Legal Aid, Inc.

Vermont Legal Aid, Inc.

Scan this code to watch the panel on voting access from the HRC's 2025 Civil Rights Summit



DISABILITY RIGHTS

About a quarter of all people living in Vermont have one or more disabilities. Overwhelmingly, the disability community has advocated for increased access to civil life, better statewide compliance with the ADA, and a reckoning with the persistent reality of ableism. Disability advocates at the Summit recommend the following:

12. EXPAND ACCESS TO LOCAL ELECTIONS

Nationally, Vermont ranks as one of the worst states for accessible voting. Individuals with disabilities are routinely and systematically denied access to their local elections and town meetings when only in-person participation is permitted. We urge consideration of legislation to ensure that Australian ballot will be used in all local elections to address this inequity.



Photo: Maria Rinaldi

13. EXPAND PUBLIC ACCESS AND PARTICIPATION IN PUBLIC MEETINGS

In addition to being excluded from many local elections, people with disabilities also report being denied access to and participation in other public meetings, including Town Meetings. Local officials need to create better systems to ensure access to public meetings using hybrid formats, improved websites, and accessible documents. This is not just about ADA compliance - this is about inclusion in our democratic process for all.



Photo: Kate Larose

Vermont Voting Rights Act

Sec. 1. Findings and Purpose

The General Assembly finds that:

1. Civic participation is essential to Vermont's tradition of open, democratic self-government, and is grounded in our Constitution. Vermont Constitution guarantees the right to vote (Article 8), promises equitable treatment for all Vermonters (Article 7), and the right to consult with each other for the common good and petition their government (Article 20).
2. In some Vermont localities, meetings of local public bodies and local elections do not offer hybrid options or the ability to vote via Australian ballot, making them inaccessible to many Vermonters with disabilities.
3. To promote the highest level of direct democracy and to fulfill the promise of equity in Vermont's Constitution, systems and procedures for local elections and local public bodies should incorporate universal design principles and a readiness to provide reasonable modifications to further expand accessibility.
4. To comport with universal design principles, the Open Meeting Law is amended to require local nonadvisory public bodies, like state nonadvisory bodies, to hold meetings in a hybrid format.
5. To comport with universal design principles, the Australian ballot system shall apply to annual and special meetings of all municipalities, including elections for officers, budgets, and public questions. Early and absentee voting shall be permitted in accordance with chapter 51, subchapter 6 of title 17.

Sec. 2. Open Meeting Law Amendments

1 V.S.A. § 312 shall be amended as follows:

(3)(A) State and local public bodies; hybrid meeting requirement; exception for advisory bodies. Any public body of the State or locality, except advisory bodies, shall:

- (i) hold all regular and special meetings in a hybrid fashion, which shall include both a designated physical meeting location and a designated electronic meeting platform with a telephonic option;
- (ii) electronically record all meetings; and
- (iii) for a minimum of 30 days following the approval and posting of the official minutes for a meeting, retain the audiovisual recording and post the recording in a designated electronic location.

(6) ~~Local public bodies; meeting recordings.~~

Sec. 3. Local Elections Law Amendments

17 V.S.A. § 2640 shall be amended as follows:

- (a) A meeting of the legal voters of each town shall be held annually on the first Tues of March for the election of officers and the transaction of other business, and it may be adjourned to another date. The meeting shall be hybrid. Voting shall be by Australian ballot. Voting shall not be conditioned on the ability to participate in the meeting.
- (b) (1) [total strikethrough] (2) An informational meeting held in the three days preceding the first Tuesday in March pursuant to this subsection shall be offered in hybrid format and video recorded and a copy of the recording shall be posted in a designated electronic location within 24 hours until the results of the annual meeting have been certified.
- (c) Notwithstanding section 2508 of this title, To facilitate public discussion of ballot issues and all other issues appearing in the warning, other than election of candidates, an open meeting offered in a hybrid format shall be held at least [30] days prior to the annual meeting or special meeting, shall be permitted at the annual meeting, regardless of the location of the polling place.

17 V.S.A. § 2680 shall be amended as follows:

[total strikethrough of current text]

- (a) The provisions of the Australian ballot system shall apply to the annual and special meetings of all municipalities that do not use a representative form of annual or special meeting, including votes for officers, budgets, and public questions.
- (b) Early and absentee voting. At the time the Australian ballots are available, which shall be not less than 20 days before the election, early and absentee voting shall be permitted in accordance with chapter 51, subchapter 5 of Title 17.

Amendments would be needed in Subchapter 2 of Chapter 55 of Title 33 to comport with the text above.

17 V.S.A. 2667

The legislative body of the municipality shall take provide reasonable modifications measures to ensure that residents voters with an accessibility need who are elders or have a disability may conveniently attend or participate in annual or special meetings; provided, however, that such measures need not be taken if doing so would impose undue hardship on the town, determined in relationship to the entirety of the town's budget and the importance of universal access to constitutional rights. Measures may include location of meetings on the ground floor of buildings or providing ramps or other devices for access to meetings. In municipal elections using the Australian ballot system of voting, subsection 2502(b) of this title shall apply. For the purposes of this section, the legislative body shall have full jurisdiction on the day of the municipal meeting over the premises at which the town meeting is to be held. Accessibility

requests shall be evaluated by a designated staff member or staff members in each locality and
kept confidential and shall not be considered a public record.