

Resolution 2020-01

Regarding Accessible Voting for the Print Impaired

WHEREAS, As a result of the COVID-19 Pandemic we are faced with a worldwide health crisis; and

WHEREAS, The World Health Organization and the Center for Disease Control have implemented safeguards to help contain the spread of the Coronavirus such as social distancing and wearing masks; and

WHEREAS, Governor, Andy Beshear, Secretary of State, Michael Adams, and the Board of Elections of the Commonwealth of Kentucky have devised a plan to implement an immediate measure to vote by mail in the primary election for 2020; and

WHEREAS, both primary and general elections in the state of Kentucky may, going forward, look very different than they have in the past due to the fact that the majority of poll workers in Kentucky are a part of our most vulnerable population; and

WHEREAS, election reform legislation became the priority of the 107th Congress following the presidential election of 2000; and

WHEREAS, the Help America Vote Act (HAVA), was signed into law on October 29, 2002, and was enacted as a response to the problems that occurred during that election; and

WHEREAS, registered voters must request a ballot for vote by Mail in the 2020 Kentucky election; and

WHEREAS, the Commonwealth of Kentucky is converting from the traditional system of voting at a local polling place to a Vote-by-Mail for the 2020 primary election due to the COVID-19 world Pandemic; and

WHEREAS, the reduced costs to local boards of elections, increased convenience to

voters, and voter turnout that result when a state or local jurisdiction changes its voting system to all Vote-by-Mail will likely mean that the Commonwealth of Kentucky may convert to all Vote-by-Mail for future elections due to social distancing requirements; and

WHEREAS, Title II of the Americans with Disabilities Act (ADA) requires that jurisdictions that implement Vote-by-Mail must provide voters with print disabilities an opportunity to mark their ballot privately and independently at home that is equal to the opportunity provided voters without disabilities; and

WHEREAS, should the Vote-by-Mail ballot not include an accessible ballot marking device (BMD) limited to voters with disabilities or accessible electronic ballot delivery systems that comply with the Web Content Accessibility Guidelines (WCAG) 2.1 AA enabling blind, low vision, deaf-blind, or other print-disabled voters to mark their ballot independently and privately at home or work using a computer and their own access technology, then a reasonable accommodation for the print impaired voter would be for the Kentucky State Board of Elections to ensure that in person polling locations be equipped with accessible voting machines to include the software necessary to allow the print disabled to vote independently; and

WHEREAS, in order to be compliant by law, these designated polling locations must be equipped with nonvisual access through the use of electronic voting machines, known as Direct Recording Equipment (DRE): Now, therefore

BE IT RESOLVED by the National Federation of the Blind of Kentucky Board of Directors meeting via Zoom Conference this thirteenth day of May, 2020, that this organization demand that the state of Kentucky ensure that all blind and print disabled citizens of Kentucky have the opportunity to cast their ballot privately and independently using one of the following accessible voting systems for the print disabled: Vote-by-Mail with a ballot marking device, or Electronic ballot delivery system; and

BE IT FURTHER RESOLVED that if Secretary of State, Michael Adams and the Kentucky State Board of Elections cannot make this Accommodation regarding accessible voting for the primary election in 2020, the state of Kentucky must reaffirm its commitment to the provisions of HAVA, requiring nonvisual access, achievable through the use of DREs; and

BE IT FURTHER RESOLVED that this organization call on Governor, Andy Beshear,



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Secretary of State, Michael Adams, and local government election officials to uphold the law and preserve nonvisual access and to avoid any changes without forethought in the name of security that would compromise the right of the blind to vote independently and privately.