



April 20, 2020

Indiana Election Commission
302 West Washington St., Room E-204
Indianapolis, IN 46204
elections@iec.in.gov

Submitted Electronically

Re: Accommodations for Voters with Disabilities

Dear Chairman Okeson,

Indiana Disability Rights is the federally-mandated and state-designated protection and advocacy organization for the state of Indiana. Our mission is to protect and promote the rights of individuals with disabilities through empowerment and advocacy.

We understand the challenge of administering elections in the context of the novel Coronavirus (COVID-19) global pandemic; it is critical that every effort is made to run elections on schedule, protect the health and safety of voters and elections personnel, and preserve access to the ballot. We appreciate the efforts the Indiana Election Commission (“Commission”) has taken and the changes made to ensure people have expanded voting opportunities for the primary elections. We specifically appreciate the recent emergency provisions that will positively impact voters with disabilities, including permitting voters to utilize “No Excuse/No Fault” absentee voting, the temporary expansion of the definition of person with a disability to include voters who are impacted by COVID-19, and allowing healthcare professionals in residential or in-patient facilities to serve as traveling board members to mark voters’ ballots on their behalf via visual or audio confirmation.

However, notwithstanding these provisions, we believe additional reasonable accommodations will need to be made for many voters with disabilities throughout Indiana. As you know, the Americans with Disabilities Act (“ADA”) requires states and county boards of elections to ensure people with disabilities have equal access to the electoral process. The ADA’s provisions apply to all aspects of voting, including voter registration, site selection, and the casting of ballots, whether on Election Day or during an early voting process. If certain additional accommodations are not implemented, countless Hoosier voters will risk being excluded from the election process on the basis of their disability. Therefore, to mitigate this harm, the following accommodations are recommended:

- Offer alternative accessible formats (e.g., large print and braille) for all election-related materials, including applications and ballots, to ensure independent and private participation in the political process;



- Automatically mail official ballots to all registered voters, without being required to complete an application requesting to vote by mail. The requirements of official signatures on documents should be relaxed for voters with physical disabilities by allowing electronic signature or a section where a tactile punch hole can be made;
- If official ballots are not automatically mailed, the application process should be simplified by creating effective, efficient, free, and accessible opportunities to apply for an absentee ballot online, by phone, or by fax and publicize these opportunities widely;
- Absentee ballots should include self-sealing, prepaid envelopes for ballot return; and
- Provide a curbside voting option at all polling place locations for voters who wish to utilize the service.

Additionally, to fully protect the fundamental right to vote for all Hoosiers, we encourage the Indiana Election Commission to explore the creation and utilization of electronic ballots as a reasonable accommodation option for voters with disabilities. This option, coupled the accommodations discussed above, will ensure that people with disabilities have a full and equal opportunity to vote.

Please feel free to contact me should you have any questions or concerns regarding these comments, or any other matter related to disability policy and law. You may reach me at (317) 722-3443 or tcrishon@indianadisabilityrights.org.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Thomas E. Crishon', with a large, stylized flourish extending to the left.

Thomas E. Crishon
Legal Director