

SENATE GOVERNMENT & VETERAN AFFAIRS COMMITTEE

Senator Shawn Vedaa, Chairman

House Bill 1253

April 8, 2021

Chairman Vedaa and Committee Members.

I am Judy DeWitz, a Disabilities Advocate with the North Dakota Protection and Advocacy Project (P&A). P&A is an independent state agency that acts to protect persons with disabilities from abuse, neglect, and exploitation, and advocates for the human, civil and legal rights of persons with disabilities.

The number of North Dakota voters who have been voting absentee or voting-by-mail has been growing in the last years. Many voters prefer to vote from home because they can avoid the challenges of getting to the polls, waiting in line, and facing physical barriers at the polling space, including exposure to COVID-19. There are individuals with disabilities requesting the same benefits and rights that all voters have – the right to vote independently.

Qualified voters who are living with a disability that prevents them from reading or marking their ballot without assistance, need tools to provide them accommodations. At the present time, these are not available to them when voting by mail. In the past, organizations and individuals representing these voters, have discussed alternatives that might be used. One possible solution would be to allow voters to complete their ballot independently at home, allowing them access to the same system used by the military and overseas voters. It is understood that this may not be a complete solution, however, it is closer to the accommodations requested by these voters.

ADA and the Help America Vote Act (HAVA) state that voters with disabilities have the same right to a private and independent ballot as everyone else. Voters with disabilities must be able to mark, verify, and cast their ballots privately and independently, even if they choose to vote by mail.

Protection & Advocacy previously supported the language in the House amendment “Any voter who is blind, visually impaired or print disabled and wishes to cast an absentee ballot may mark the electronic ballot by electronic means.” However, we believe the **more inclusive language** should be, “Any qualified elector living with a disability that prevents the elector from reading or marking the ballot without assistance...” This provides an accommodation to other individuals with disabilities, for example, a neurological disorder such as Cerebral Palsy or an illness like dyslexia.

All voters, including those with disabilities, have the right to have a secure way to cast a ballot by mail.

Thank you. I am happy to answer any questions.