

With a constituency of over 61 million adults in the United States, persons with disabilities make up the largest minority in this country. That is one of the major reasons why the man who is considered the father of the Americans with Disabilities Act, Justin Dart, Jr., stated, “Vote as if your life depends on it — because it DOES!” However, for years, there has been barriers to vote for persons with disabilities, including inaccessible polling locations, inaccessible voting machines, and the failure to have accessible absentee voting. As a result of this historical lack of access to the vote, less than one half of persons with disabilities actually vote.

The power of the disability vote ensures that persons with disabilities have impact on the decisions that directly affect the programs and services they rely on to live independently in the community of their choice. Because this is one of the cornerstones to nationwide disability rights, it has also been some of the cases and advocacy work that we have been most proud of. We initially fought to get accessible voting machines that provided access to persons with visual impairment or learning impairments that had audio components that would read the ballot and large marked buttons to make a selection. In 2002, the Supervisor of Elections of Palm Beach County, Theresa LePore, claimed that she changed the policy of providing audio components in every precinct. She refused to use the accessible audio machines because of the length of the ballot, and she failed to train election workers on how to use the machines.

On behalf of three blind voters in Palm Beach, we brought a class action to require Palm Beach County to use the accessible voting machines, and within the time we filed the complaint, the supervisor reversed her policy and agreed to use accessible voting machines for all elections thereafter. While that decision rendered the case moot, the legacy of the decision continues.

Thereafter, Disability Independence Group continued with raising awareness of the needs of persons with disabilities and in 2018 we worked with Disability Rights Florida to create a state chapter of the national REVUP Campaign sponsored by The American Association of People with Disabilities. REVUP stands for Register, Educate, Vote, Use your Power! Our state chapter is called Access the Vote (ATVFL) and is made up of disability organizations, civil rights organizations, and people with disabilities that live throughout the state of Florida. The focus of our chapter is to make sure that disability issues are brought to the attention of all candidates

regardless of party affiliation and that people with disabilities have the same right to vote as everyone else.

Florida has allowed voting absentee by mail, however, the voting by mail was on written paper and required a person to be able to read the ballot and fill it out. For persons who are blind or writing impaired, they could not independently and secretly cast an absentee ballot. For several years, the Florida Council of the Blind and their members had fought for the right to independently cast a secret ballot through the vote-by-mail process in Florida.

The accessible voting system for the blind or otherwise print impaired (i.e. due to a learning disability or dyslexia, or because of a physical disability where a person cannot use their hands) is very similar to using the CM/ECF system where a user is required to upload a document using an adobe document in a format that is usable with a screen reader. The accessible system allows a blind or print impaired person to obtain the ballot via their computer, read the ballot, and then use their auxiliary device (braille keyboard, voice control, etc.) and fill in the ballot. Then the ballot would be printed out, the voter would be required to sign and mail it back in.

This issue became more acute when the COVID-19 pandemic hit Florida, and persons who immunocompromised or vulnerable to the virus could not vote in person. On a usual election, over a third of Floridians vote by mail, however during the pandemic, the numbers increased dramatically. In June 2020, after two years of requests and demands did not work, we represented the Florida Council of the Blind to intervene in an ongoing case with several other organizations to ensure that the right to vote absentee for the blind was finally implemented.

As a result of the lawsuit, the Florida Secretary of State certified the software, and a settlement required the 67 Supervisor of Elections in each Florida county to implement the program by the end of March 2022.

The fight will not end. Implementation is essential and to ensure that the Supervisors of Elections fulfil their obligations under the settlement. Furthermore, the Florida Accessible Vote By Mail system does not truly allow a person to vote fully independently, as the voter is still required to sign the ballot, place the ballot in a sleeve and mail the ballot to the supervisor's office. Many states have not only an ability to fill out a ballot on-line, but also the ability to submit your ballot on-

line. In an age where all of our financial exchanges are electronic and secure, there is no valid reason why people with disabilities cannot vote on-line.