

Florida Council for the Blind obtains settlement which ensures accessible, independent, and secret voting for persons who are blind or print impaired

On July 31, 2020, Florida Council of the Blind and its members settled its Americans with Disabilities Act case with the 67 county supervisors of elections and the Florida Secretary of State is to implement a Remote Accessible Vote By Mail (RAVBM) to be partially implemented by the November general election and fully implemented by the next statewide general election.

In Florida, *everyone* has the right to cast their ballot in secret and this is a core value in the elemental aspects of being a full citizen of the United States. Voting by secret ballot is essential to the integrity of the electoral process as it allows voters to cast their ballot without fear or intimidation. For my clients who are blind, and those with other print disabilities who need to use technology to complete a ballot, a paper ballot did not allow them the same benefits and privileges of every other citizen.

The accessible voting system allows a person who is blind or otherwise print impaired to vote secretly and independently by use of a computer that has a screen-reader. RAVBM effects more than just persons who are blind but will also affect all persons who are print impaired. Persons who are print impaired include all persons with disabilities who use an auxiliary device to read or to fill out a ballot. This includes persons with dyslexia, or persons with limited dexterity of their arms or hands, such as persons who are quadriplegic. 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. It replicates the experience and process of using an accessible voting machine at the polling place. Then the ballot would be printed out, the voter would be required to sign and mail it back in.

Plaintiff and FCB member Doug Hall appears with the Volusia County Supervisor of Elections to celebrate the use of this system in this news segment - July 28, 2020, Spectrum News, [3 Area Counties to Try Software for Visually Impaired Voters](#). President of the FCB, Sheila Young, demonstrates how this will assist her with the Supervisor of Elections of Orange County in this news segment - August 12, 2020, WFTV, [Pilot program to help blind, dyslexic Florida voters cast ballots from home](#).

The Settlement has three operative provisions: (1) Pilot Program; (2) Task Force (3) Complete Implementation.

(1) **Pilot Program** – Miami-Dade, Pinellas, Orange, Volusia, and Nassau Counties have agreed to participate in a pilot program for implementation of RAVBM. There is no doubt that there is a difficulty in implementing a new voting system, especially for an election that record number of votes will be received by mail. Accordingly, if there is a reason that is

beyond the control and creates an undue hardship for the Supervisor of Elections that would prevent the implementation, as described in detail in the agreement, the Supervisor may be excused from this duty.

(2) **Task Force** – A task force will be established to evaluate RAVBM Ballots, which will include persons with disabilities to create a report of its findings and recommendations regarding options for cost, feasibility, administrability, security, and effectiveness of possible methods of allowing registered voters in Florida who are blind or print impaired to mark secret, independent, and verifiable vote-by-mail ballots without the assistance of another person. This would include the feasibility of all possible solutions, from systems that might be developed independently of private vendors to the security and feasibility of electronic vote return.

(3) **Complete Implementation** - By March 31, 2022, each Supervisor of Elections will deploy and implement a Remote Accessible Vote-by-Mail System.

This change will affect approximately 100,000 voters for the November 2020 General Election, and about 500,000 voters once fully implemented. According to the 2018 American Community Survey, there are 498,200 persons who are blind or have serious difficulty seeing even when wearing glasses. There are also 1,020,500 persons in Florida who have an independent living disability, which is defined as having difficulty doing errands alone such as visiting a doctor's office or shopping because of a physical, mental, or emotional disability. For all ages, 2.5% of the population has a visual disability and for ages of 16 to over 75 years of age, 5.8% have an independent living disability. In Florida, persons with disabilities are more likely to vote than those who do not have a disability (1.1%) however, this number is within the margin of error. Furthermore, it is estimated that the percentage of vote-by-mail will exceed 40% of all voters, and the estimated turnout is 70% of all registered voters.

County	Total Registered Voters	Expected Voter Turnout (70%)	Total Blind or visually impaired (2.5%)	Independent Living (5.8%)
Miami-Dade	1,470,194	1,029,136	25,728	59,690
Nassau	67,988	47,592	1,190	2,760
Orange	845,817	592,072	14,802	34,340
Pinellas	688,672	482,070	12,052	27,960
Volusia	372,847	260,993	6,525	15,138
Total Pilot Program:	3,445,518	2,411,863	60,297	139,888
Florida	13,701,765	9,591,236	239,781	556,292

How will it work?

The vendor who is currently certified with RAVBM has contracted with all of the pilot program vendors for the OmniBallot system. The voting process would be as follows:

- When requesting a vote-by-mail ballot, the voter would also indicate that the voter has a disability and would like an accessible vote by mail ballot.
- The voter with a disability would be sent a regular vote-by-mail ballot and provided access to the RAVBM portal with a pin number and link to obtain their RAVBM electronic ballot.
- After obtaining access to the RAVBM electronic ballot, the form is accessible through the voter's computer, and the voter can use the voter's auxiliary aids to both read and fill out the ballot.
- The experience of filling out the ballot is identical to the experience of using the accessible voting machines in the polling location. For example, the system advises the voter when there is an undervote and does not permit an overvote.
- None of the information is uploaded to a remote server, and all the information is contained to the user's computer browser.
- After the voter with a disability has completed filling out the voter's selection, the voter then prints out the ballot.
- The voter may use the envelope and the secrecy sleeve provided in the vote by mail ballot received by ordinary mail to return the completed ballot printed out by their computer; or to place in a designated drop box, or return it to the supervisors of elections office.
- The voter would be required to sign the ballot/envelope as any other voter who votes by mail.
- The voter may deposit the envelope in the mail, bring it to the polling location, or place in in a drop box for ballots.
- When the supervisor of elections receives and opens the vote-by-mail envelope, the supervisor will scan and reprint the ballot to paper with the appropriate paper stock to be read by the optical scanner machines.
- For videos regarding how this works –
 - <https://youtu.be/nth2RC9Cfqc>
 - <https://youtu.be/TMICr-2xCNU>
 - <https://youtu.be/1WT0OJg8uk0>
 - <https://youtu.be/ wtZZNPst2Y>

The Florida Council of the Blind, its members, and the Supervisors of Elections have worked diligently to come to this settlement and recognize that on the Thirtieth Anniversary of the Americans with Disabilities Act, such guarantees of citizenship should be fulfilled. All persons with disabilities have a right to fully participate in all aspects of society, and the ongoing goal to

remove societal and institutional barriers in our country. As the father of the ADA, Justin Dart Jr., stated, "Vote like your life depends on it, because it does!"