

September 16, 2021

Via email, robin.carnahan@gsa.gov

Robin Carnahan
Administrator of the U.S. General Services Administration
Office of the Administrator
1800 F Street, NW
Washington, D.C. 20405

Dear Ms. Carnahan:

In March of this year, President Biden issued Executive Order No. 14019 (“EO 14019”) Promoting Access to Voting, which contains numerous provisions to help eligible people with disabilities register and vote.¹ The undersigned organizations applaud the Administration’s commitment to improving voting access for people with disabilities. While there are many steps that the federal government can and should take to promote better access to voting for persons with disabilities,² this letter focuses on Section 5 of EO 14019, which mandates that the General Services Administration (“GSA”) work to modernize and improve Vote.gov,³ and in particular, that “Vote.gov complies, at minimum, with sections 504 and 508 of the Rehabilitation Act of 1973.”⁴

To comply with this mandate, GSA must fix the compliance problem with the National Mail Voter Registration Form (“NMVRF”) that is available on Vote.gov. GSA relies exclusively on the version of the NMVRF housed on the Election Assistance Commission (“EAC”) website⁵ — the only version currently available on any federal government website. Its interface, however, is inaccessible to individuals with print disabilities. The EAC’s current PDF of the NMVRF does not meet Revised 508 Standards, which incorporate and apply the WCAG 2.0 Level A and Level AA success criteria and conformance requirements to both web and non-web electronic content.⁶ These standards require web content, including PDFs, to be perceivable (e.g., alternate text should be available for images and other non-textual content); operable (e.g., all

¹ Executive Order 14019, 86 Fed. Reg. 13623 (Mar. 7, 2021), *accessed at* <https://www.federalregister.gov/documents/2021/03/10/2021-05087/promoting-access-to-voting>.

² For additional recommendations about improving access to voting for persons with disabilities, please reference Comment on Federal Register, ID NIST-2021-0003-0146, Alie Bornstein et al., American Civil Liberties Union, Comment Letter in Response Regarding Promoting Access to Voting (NIST-2021-0003) (Jul. 16, 2021), *available at* <https://www.regulations.gov/comment/NIST-2021-0003-0146>.

³ Vote.gov is maintained by GSA and is a key program of Federal Citizens Services Fund activity. *See* U.S. General Services Administration Federal Citizen Services Fund Fiscal Year 2022 Budget Request, *available at* https://www.gsa.gov/cdnstatic/05_FY_2022_CJ_FCSF_Narrative_Final_2.pdf, at 7.

⁴ *Supra* note 1, § 5(a)(i). For additional recommendations about improving Vote.gov, please reference Comment by ACLU and Demos on Federal Register, ID NIST-2021-0003-0147, *available at* <https://www.regulations.gov/comment/NIST-2021-0003-0147>.

⁵ *National Mail Voter Registration Form* (“NMVRF”), U.S. ELECTION ASSISTANCE COMM’N, <https://www.eac.gov/> <https://www.section508.gov/create/applicability-conformance-voters/national-mail-voter-registration-form> (last visited Sept. 3, 2021).

⁶ *See Section 508 ICT Testing Baseline*, SECTION 508 COORDINATORS, <https://section508coordinators.github.io/ICTTestingBaseline/> (last visited Sept. 13, 2021).

functionality should be available from a keyboard); understandable; and robust (e.g., able to be interpreted reliably by a wide variety of user agents, including assistive technologies).⁷ GSA should continue to provide access to the NMVRF on Vote.gov, but it should not promote or rely upon any web interface that does not provide maximum access to all voters with disabilities. GSA should ensure that the form is both readable and fillable by assistive technologies, in compliance with WCAG 2.0 Level A and AA standards.

Per the National Voter Registration Act (“NVRA”), the content of the NMVRF is determined by the EAC.⁸ But GSA has the ability to make adjustments to the format of the NMVRF. Current EAC guidance is clear that the format of the NMVRF can be modified. EAC guidance states that the application portion of the NMVRF can be separated from the instructions—in other words, the instructions can be presented separately and in a format different than the application itself.⁹ (The current PDF format of the NMVRF is 27 pages and includes instructions for all states.) For example, the EAC guidance states that when conducting a voter registration drive, it is permissible to photocopy and hand out “only the voter registration applications,” while the instructions can be “enlarged” into posters and “posted at the registration site.”¹⁰ While the *content* of the language of the NMVRF is precisely specified, the *format* is flexible.

Many other groups have made these types of modifications solely to the format of the NMVRF. While not all of these examples are WCAG 2.0 AA compliant, they provide a starting point. These examples include:

- Rock The Vote, <https://www.rockthevote.org/how-to-vote/register-to-vote/>;
- Turbo Vote, <https://turbovote.org/>;
- Vote.org, <https://www.vote.org/register-to-vote/>, and
- Trigger the Vote, <https://www.triggerthevote.org/register-to-vote/>.

These systems are designed to help facilitate individuals completing the NMVRF by asking them simple questions and pre-populating their voter registration forms accordingly.¹¹ The end product looks the same as if an individual printed out a blank paper copy of the NMVRF and completed the relevant portions by hand. These other examples are in regular use and have been in use for a number of years,¹² and local election officials accept the forms created by these systems without issue.¹³ GSA should comply with EO 14019’s mandate and create a version of

⁷ See *Web Content Accessibility Guidelines (WCAG) 2.0*, PDFLIB.COM, <https://www.pdfliib.com/pdf-knowledge-base/pdfua/wcag-20/> (last visited Sept. 13, 2021); Introduction to Understanding WCAG 2.0, W3.ORG, <https://www.w3.org/TR/UNDERSTANDING-WCAG20/intro.html> (last visited Sept. 13, 2021).

⁸ 52 U.S.C. § 20508.

⁹ See *National Mail Voter Registration Act FAQs*, available at <https://www.eac.gov/voters/national-voter-registration-act> (last visited Sept. 8, 2021).

¹⁰ *Id.*

¹¹ Additionally, making Vote.gov generally more user-friendly could also significantly improve the web experience for people with disabilities. For example, by making small common-sense adjustments to the format of the NMVRF form so that it is only a few pages long (with only the relevant instructions for a voter’s state) rather than a twenty-seven-page form (with unnecessary instructions for all fifty states), this document can be much more accessible and manageable, including for persons who are navigating the document with screen readers and for persons who have low literacy.

¹² Rock the Vote first presented the NMVRF online in 1999. Its current portal has been in place for 12 years.

¹³ Elections officials are required to accept and process these forms. See 52 U.S.C. § 20508. Even though the NVRA applies only to 46 states and the District of Columbia, see 52 U.S.C. § 20503, the vast majority of states

the NMVRF that complies with Revised 508 Standards, which incorporate WCAG 2.0 Level A and Level AA standards, and is readily usable by persons using assistive technologies. None of the changes necessary to achieve this compliance would change any of the content of the NMVRF. The only changes would be to the format of the NMVRF, which is acceptable per EAC guidance and long-standing practice.

Voter registration remains a prerequisite to participating in the electoral process in nearly every state and territory.¹⁴ The federal government can significantly improve voting access for many Americans by ensuring that Vote.gov is accessible to people with disabilities. We urge GSA to act.

Sincerely,

American Civil Liberties Union

American Council of the Blind

Demos

Disability Rights Advocates

Fair Elections Center

National Disability Rights Network (NDRN)

Paralyzed Veterans of America

The National Council on Independent Living

CC via email

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accept and process the NMVRF, with only a few exceptions. See *National Mail Voter Registration Form, General Instructions*, U.S. ELECTION ASSISTANCE COMM'N, https://www.eac.gov/sites/default/files/eac_assets/1/6/Federal_Voter_Registration_ENG.pdf, at 1 (last visited Sept. 8, 2021).

¹⁴ Only North Dakota does not require voter registration. See *NMVRF, General Instructions*, U.S. ELECTION ASSISTANCE COMM'N, https://www.eac.gov/sites/default/files/eac_assets/1/6/Federal_Voter_Registration_ENG.pdf, at 1 (last visited Sept. 8, 2021).