

**Congress of the United States**  
**Washington, DC 20510**

September 30, 2020

The Honorable William P. Barr  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

The Honorable Eric S. Dreiband  
Assistant Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

Attorney General Barr and Assistant Attorney General Dreiband:

We write to express our concerns with polling location and vote-by-mail accessibility for older Americans and people with disabilities and to inquire about the steps the Department of Justice (DOJ) is taking to address these issues in advance of the 2020 general election.

The right to vote is a fundamental right in our democracy, and no American should have to worry that their age or disability will hinder their right to vote. Almost a quarter of the electorate this year is 65 years old or older and an estimated 14.3 million Americans with disabilities voted in the 2018 general election.<sup>1</sup>

This year marks the 30<sup>th</sup> anniversary of the enactment of the *Americans with Disabilities Act* (ADA), a landmark law that enshrines civil rights protections for Americans with disabilities to ensure no person faces discrimination in public life because of their disability. Title II of the ADA requires state and local governments to provide people with disabilities a full and equal opportunity to vote. To meet this requirement, state and local governments must ensure all voting options are accessible, including ensuring reasonable access to polling locations and the accessibility of voting by mail for older Americans and Americans with disabilities.

Despite the ADA and other federal laws requiring equal access to the voting process, barriers for people with disabilities and older adults still broadly exist. Physical voting locations, voting by mail options, and even access to basic voting information, such as on government websites, remain largely inaccessible. A Government Accountability Office (GAO) study found that combined deficiencies in architectural and voting booth access resulted in *only 17 percent of polling places being fully accessible in 2016*.<sup>2</sup> It is unacceptable that 30 years after the enactment of the ADA, the vast majority of physical voting locations are not in compliance with federal accessibility laws.

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<sup>1</sup> Schur, L., & Kruse, D. (September 8, 2016) Projecting the Number of Eligible Voters with Disabilities in the November 2016 Elections. Retrieved from <https://smlr.rutgers.edu/news/projecting-number-eligible-voters-disabilities-november-2016-elections-research-report>

<sup>2</sup> Government Accountability Office. (October 2017) Voters with Disabilities: Observations on Polling Place Accessibility and Related Federal Guidance. Retrieved from <https://www.gao.gov/assets/690/687556.pdf>

The coronavirus pandemic (COVID-19) has greatly exacerbated these longstanding barriers to voting for people with disabilities. For many voters with disabilities, voting by mail will be the safest voting option, but voting by mail also remains inaccessible for some voters. Despite the availability of “Remote Access Voting By Mail” (RAVBM) technology that could mitigate accessibility issues, most states do not have a RAVBM system. For some voters, in-person voting may be the only accessible means to vote because of the availability of assistive technologies at polling locations. Yet, as we’ve seen in primaries across the country this year, the pandemic could lead to the consolidation of polling places for the general election, resulting in fewer accessible locations, longer lines, and fewer trained staff who are able to assist voters this election - all issues that will make voting more difficult for older Americans and Americans with disabilities.<sup>3</sup>

It is with these realities in mind that we write to urge the DOJ to act to ensure the voting rights of older Americans and Americans with disabilities are protected. In instances where state and local governments fail to meet ADA requirements, or violate related federal protections for voters with disabilities, the DOJ is responsible for enforcing these protections. While we have been heartened to see the DOJ performing such duties in recent years,<sup>4</sup> we are gravely concerned that your efforts have fallen far short of what is needed.

In order to better understand your agency’s response to the widespread, systemic inaccessibility of polling places and voting by mail and the unprecedented challenges raised by the COVID-19 pandemic, we request that you provide the following information by October 21, 2020:

1. Any records or information of the DOJ’s efforts to address voting accessibility issues since the 2016 general election. This is including, but not limited to, the number of investigations and inquiries opened or closed, information on settlements, and any information regarding efforts to address the widespread accessibility issues documented in the 2017 GAO study cited above, as well as information on if or how these efforts improved conditions for people with disabilities.
2. Any records or information of the DOJ’s efforts to address voting accessibility issues created by the COVID-19 pandemic, with respect to voter registration, in-person voting, and voting by mail.
3. Any records or information regarding communications, inquiries, or guidance to local election jurisdictions on accessible voting for the 2020 election cycle.
4. Any records or information of the DOJ’s efforts to ensure voting information, including information available on state and local election websites is accessible, and election communications and election mail are accessible during the 2020 election cycle.

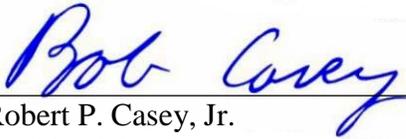
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<sup>3</sup> Hakim, D., Epstein R., & Saul, S. (July 25, 2020) Anatomy of an Election ‘Meltdown’ in Georgia. Retrieved from <https://www.nytimes.com/2020/07/25/us/politics/georgia-election-voting-problems.html>

<sup>4</sup> U.S. Department of Justice. (July 12, 2019) Justice Department Reaches Agreement with Sandoval County, New Mexico, to Ensure Accessible Voting. Retrieved from <https://www.justice.gov/opa/pr/justice-department-reaches-agreement-sandoval-county-new-mexico-ensure-accessible-voting>

Every voter must be able to decide for themselves whether they will vote in-person or by mail, but both options must be fully accessible to all voters. Again, we reiterate that it is the DOJ's duty to ensure ADA compliance at polling locations and in vote-by-mail systems, and to uphold the voting rights of the protected class of individuals referenced in this letter. We expect that your department takes this responsibility as seriously as we do and look forward to a response detailing your efforts.

Sincerely,



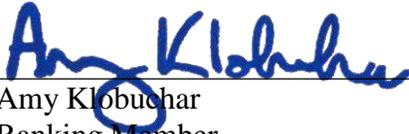
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Robert P. Casey, Jr.  
Ranking Member  
U.S. Senate Special Committee on Aging



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Mary Gay Scanlon  
Vice Chair  
U.S. House Committee on the Judiciary



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Amy Klobuchar  
Ranking Member  
U.S. Senate Committee on Rules  
& Administration



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Jamie Raskin  
Vice Chair  
U.S. House Committee on House  
Administration