

## **REPORT ON USE OF ACCESSIBLE PDF ABSENTEE BALLOT**

### **VOTING AT THE JUNE 23, 2020 PRIMARY ELECTION**

#### **Overview**

On May 27, 2020, the New York State Board of Elections (NYSBOE) adopted Resolution # 20-09 providing for voting by accessible absentee voting using screen readable PDF that can be completed by persons with disabilities using screen reading technologies.

NYSBOE promulgated a form to request such an accessible ballot and instructions were transmitted to all of New York's Boards of Elections as to the implementation of the program along with the Stipulation in the matter of *Hernandez v NYSBOE*.

Staff of the State Board interacted with local board of elections personnel as to implementation of the process, and local officials were briefed on their obligations under the accessible absentee ballot process.

#### **Description of Operation of Program**

A voter with a disability was eligible to apply for an absentee ballot for the June 23 elections by using a specific application for an accessible ballot. The accessible ballot is a screen-readable and fillable PDF that the voter can "mark" electronically using assistive technologies. The accessible PDF ballot was provided in addition to certified ballot marking devices with assistive features available at board of elections offices, early voting locations and at all New York poll sites on Election Day.

Upon approving the voter's accessible application, the board of election was directed to prepare an accessible ballot using a vendor with sufficient expertise for that purpose. The accessible ballot was then sent to the voter by email along with a template the voter can use to print a ballot return envelope. A set of paper return envelopes that could be used for return of the printed accessible ballot, in lieu of the emailed template, were also mailed to each approved applicant. The voter upon marking the accessible ballot, returns it to the board of elections in the same manner as absentee ballots generally.

No part of the process involved the electronic return of ballots to boards of elections.

#### **Use of Accessible Ballots**

##### **New York City Board of Elections**

New York City Board of Elections received 165 applications before the June 16, 2020 deadline. Pursuant to those applications:

67 accessible ballots were issued

53 applicants were found to be ineligible voters (i.e. no primary for the voter's party or not registered to vote)

42 applications were incomplete, seemingly reflecting premature submission or technical glitches. For example, 11 submissions were provided by the same email address with nothing filled in, and many others were totally blank. Some applications in this category did not provide an email address. Voters in this category were followed up with.

3 voters used the accessible ballot process but expressly requested a paper ballot, so they were not issued an accessible ballot.

### Outside New York City

County Boards of Elections outside of New York City received 99 applications before the June 16, 2020 deadline. Pursuant to those applications:

64 accessible ballots were issued

32 applicants were found to be ineligible voters (i.e. no primary for the voter's party or not registered to vote)

3 applicants erroneously used the form when seeking a regular ballot

### Analysis of Complaints

Complaints were received in the following categories:

- Some voters felt use of the ballot and electronic envelopes and instructions were not user friendly.
  - NYSBOE staff response: More prominently informing the applicants that a set of paper envelopes will be sent will mitigate this concern.
- In two instances, voters identified issues in the accessible PDF ballot remediation
  - NYSBOE staff response: More consistent instructions to remediation vendors as to the precise methodology of the remediation and preparing all ballots in advance will mitigate this concern.
- Printer setting defaults were wrong.
  - NYSBOE staff response: PDF ballots should be sent to voters with printer settings set for standard letter sized paper printing.
- Ballot turnaround time of three days (board of elections concern)
  - NYSBOE staff response: Remediation and preparing all ballots in advance will mitigate this concern.
- Voter expressed concern about ballot transmittal to voter by email
  - NYSBOE staff response: Sending voters the ballot by email is the easiest means of transmission.
- Complaint that the ballot is not allowed to be returned to the board of elections electronically

- NYSBOE staff response: Return of ballots by email or any electronic means jeopardizes privacy and election security and is not consistent with New York law.
- Voter complaint that ballot was not received, but such complaint was withdrawn when the voter rechecked email.
  - NYSBOE staff response: Ensuring boards of elections provide complete information and positive customer service to applicants is imperative and will be further improved.
- Complaint that IOS environment was not ideal.
  - NYSBOE staff response: Ensuring boards of elections provide complete information and positive customer service to applicants is imperative and will be further improved.
- Complaint that the application was difficult to complete.
  - NYSBOE staff response: Changes to the form of the application to facilitate voter competition will be analyzed.
- Voter technology complaints, ability to open the PDF
  - NYSBOE staff response: Ensuring boards of elections provide complete information and positive customer service to applicants is imperative and will be further improved.
- In two instances, local Board of Elections frontline staff reached by phone were not adequately aware of accessible voting program.
  - NYSBOE staff response: Ensuring boards of elections provide complete information and positive customer service to applicants is imperative and will be further improved.