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Voting Able: Accessible In-Person Voting for Persons with Disabilities

Keiara T. B. Fort

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Voting Able: Accessible In-Person Voting for Persons with Disabilities

Keiara T. B. Fort*

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INTRODUCTION

A resident of South Carolina was eager to cast her vote in the 2016 Democratic presidential primary.¹ When she arrived at the voting facility, she immediately found the entrance was inaccessible. Architectural barriers impeded the physically disabled voter from voting inside her designated polling place, forcing her to vote from inside her car with the assistance of a poll worker.²

Kathy Hoell, who lives with both a mobility impairment and a traumatic brain injury, has generally found poll workers either unable or

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* This article is dedicated to my grandfather, “Bro. Bev”. Thank you for your constant encouragement and your many words of wisdom. Although you are no longer here, you somehow tend to remind me that “as long as [I] have the good Lord” on my side, I won’t fail. I would also like to thank my husband, Dallas, for being my biggest cheerleader and source of support throughout the writing process and my entire law school journey. I love you and am eternally grateful for you. And to my parents, thank you for encouraging me to realize my wildest dreams, despite having a disability.

1. Matt Vasilogambros, *How Voters with Disabilities Are Blocked from the Ballot Box*, THE PEW CHARITABLE TRUSTS (Feb. 1, 2018), <https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2018/02/01/how-voters-with-disabilities-are-blocked-from-the-ballot-box> [https://perma.cc/5RKT-9K4F] (This is a factual story; however illustrative details have been included).

2. *Id.*

unwilling to assist her.³ One actually told her that she was not smart enough to vote.⁴

Unfortunately, these incidents are not uncommon. According to the Centers for Disease Control and Prevention (CDC), sixty-one million Americans,⁵ including 40% of adults over 65, live with a communicative, physical, or cognitive disability.⁶ This number is sure to rise because adults over 80 comprise the fastest growing segment of the population.⁷ And yet, despite their growing numbers, far too many of them find it difficult or impossible to vote in person.

Individuals with disabilities have long been treated as second-class citizens. Even in 2021, they experience higher levels of poverty,⁸ lower levels of employment,⁹ and lower levels of educational attainment than their non-disabled peers.¹⁰ Naturally, this disparate treatment extends to elections. Too many polling places have failed to provide wheelchair ramps and sufficiently wide hallways for people with physical disabilities; braille for blind voters; and accessible parking.¹¹ As a result, too many disabled

3. *Id.* (A factual account of a voter with a disability being discriminated against at a physical polling place).

4. *Id.*

5. *Disability Impacts All of Us*, CTR. FOR DISEASE CONTROL AND PREVENTION (CDC) (Sept. 16, 2020), <https://www.cdc.gov/ncbddd/disabilityandhealth/infographic-disability-impacts-all.html> [<https://perma.cc/G9TB-JNHU>].

6. *Id.*

7. Rabia Belt, *Contemporary Voting Rights Controversies Through the Lens of Disability*, 68 STAN. L. REV. 1491, 1494 (2016).

8. *How is Poverty Status Related to Disability?*, CENTER FOR POVERTY AND INEQUALITY RESEARCH, <https://poverty.ucdavis.edu/faq/how-poverty-status-related-disability> [<https://perma.cc/9VBZ-LZ86>] (last visited, Feb. 20, 2022) (In 2014, the poverty rate for people with disabilities ranged from twelve to twenty-nine percent in the United States, compared to the national poverty rate, which was fifteen percent.).

9. Press Release, Bureau of Lab. Statistics, U.S. Dep't. of Lab., Persons With a Disability: Labor Force Characteristics—2020 (Feb. 24, 2021, 10:00 AM), <https://www.bls.gov/news.release/pdf/disabl.pdf> [<https://perma.cc/L9R5-3BT7>] (In 2020, about 18% of persons with a disability were employed, down from about 19% in 2019.).

10. *Id.* (Persons with a disability are less likely to have completed a bachelor's degree or higher than those with no disability).

11. See generally Dr. Lisa Schur, *Reducing Obstacles to Voting for People with Disabilities* (June 22, 2013), https://web.mit.edu/supportthevoter/www/files/2013/08/Disability-and-Voting-White-Paper-for-Presidential-Commission-Schur.docx_.pdf [<https://perma.cc/VSN3-GZUR>].

people have simply given up and chosen not to vote. And those who still choose to vote generally require another person's assistance, which compromises their privacy in the voting booth and subjects them to the possibility of further discrimination by poll workers.

One silver lining of the COVID-19 pandemic is that it motivated several reforms that benefited all voters,¹² including people with disabilities. These reforms include increased use of the mail for voter-registration forms,¹³ increased use of the mail for ballots,¹⁴ and waiver of the witness requirement for absentee ballots.¹⁵ In this Note, I will argue for two conclusions. First, these reforms should be expanded to all disabled voters. Second, polling places should make a greater effort to accommodate individuals with disabilities who prefer to vote in-person rather than by mail.

Part I of this Note will describe voting barriers specific to the disability community. Part II will discuss the current legislative regime with regard to disabled individuals. Part III will propose remedies for the problems described in Part II.

I. BARRIERS TO VOTING FOR INDIVIDUALS WITH DISABILITIES

The U.S. has a bad track-record when it comes to voting rights. Even after it abolished slavery and passed the Fifteenth Amendment, which prohibits federal and state government from denying citizens the right to vote based on their "race, color, or previous condition of servitude,"¹⁶ Jim Crow laws prevented African-Americans from voting.¹⁷ Women were not

12. *Elections and Voting, Interim Guidance to Prevent Spread of Coronavirus Disease 2019 (COVID-19)*, CTR. FOR DISEASE CONTROL AND PREVENTION (CDC) (Jan. 4, 2021), <https://www.cdc.gov/coronavirus/2019-ncov/community/election-polling-locations.html> [<https://perma.cc/A9UE-FANY>].

13. *Absentee and Mail Voting Policies in Effect for the 2020 Election*, NAT'L CONF. OF STATE LEGISLATURES (Nov. 3, 2020), <https://www.ncsl.org/research/elections-and-campaigns/absentee-and-mail-voting-policies-in-effect-for-the-2020-election.aspx> [<https://perma.cc/5Y2T-JZ6E>].

14. *Id.*

15. *Larose v. Minn. Secy. of State*, 62-CV-20-3149 LEXIS (Minn. Dist. Ct. Aug. 3, 2020).

16. U.S. CONST. AMEND. XV, § 1.

17. Karyn L. Bass, Note and Comment, *Are We Really Over the Hill Yet? The Voting Rights Act at Forty Years: Actual and Constructive Disenfranchisement in the Wake of election 2000 and Bush v. Gore*, 54 DEPAUL L. REV. 111, 116-117

guaranteed the right to vote until the Nineteenth Amendment passed in 1920.¹⁸ To this day, many states continue to prevent or discourage Black people and other racial minorities from voting through a variety of voter-suppression laws and tactics.¹⁹

In addition to minorities and women, people with disabilities have faced great difficulties in exercising their franchise. But because “discrimination against [people with disabilities] is primarily the result of apathetic attitudes rather than affirmative animus,”²⁰ both the courts and legislatures have been less motivated to cure them.²¹ For example, in *City of Cleburne, Texas v. Cleburne Living Center, Inc.*,²² the U.S. Supreme Court decided that disability is not a protected class and therefore that discrimination against disabled persons does not require heightened judicial scrutiny.²³ As a result, the government may discriminate against people with disabilities as long as their actions meet the relatively low bar of being reasonably related to a permissible state interest.²⁴

Sadly, this is precisely what has happened. According to the Federal Election Commission, 20,000 polling places nationwide remain inaccessible to individuals with disabilities.²⁵ In a survey evaluating polling place accessibility, the Government Accountability Office (GAO) found that, of the 178 polling places examined, 107 sites presented one or

(2004); Charles Edward Andrew Lincoln IV, Comment, *Hegelian Dialectical Analysis of U.S. Voting Laws*, 42 DAYTON L. REV. 87, 98 (2017).

18. *Women’s Suffrage in the U.S. by State*, Ctr. for Am. Women and Pol. (August 2014), <https://tag.rutgers.edu/wp-content/uploads/2014/05/suffrage-by-state.pdf> [<https://perma.cc/3SWA-MGAQ>]; Lincoln, *supra* note 17.

19. Kevin Morris, *Georgia Proposed Voting Restrictions Will Harm Black Voters Most*, BRENNAN CTR. FOR JUST. (March 6, 2021), <https://www.brennancenter.org/our-work/research-reports/georgias-proposed-voting-restrictions-will-harm-black-voters-most> [<https://perma.cc/44QV-EB59>].

20. *Alexander v. Choate*, 469 U.S. 287, 296 (1985).

21. *See generally Choate*, 469 U.S. 287 (1985); *City of Cleburne v. Cleburne Living Ctr., Inc.*, 473 U.S. 432 (1985); Michael Waterstone, *Constitutional and Statutory Voting Rights for People with Disabilities*, 14 STAN. L. & POL’Y REV. 353 (2003).

22. *City of Cleburne v. Cleburne Living Ctr.*, 473 U.S. 432 (1985).

23. *See generally Brown v. Bd. of Educ.*, 347 U.S. 483, 74 S. Ct. 686 (1954); *Loving v. Virginia*, 385 U.S. 986, 87 S. Ct. 595 (1966), *Korematsu v. U.S.* 323 U.S. 214 (1944); *Craig v. Boren*, 429 U.S. 190 (1976) (examples of cases in which certain classes were deemed protected, requiring heightened judicial scrutiny).

24. *Id.*

25. *More Than 20,000 Polling Places Inaccessible*, THE CTR. FOR AN ACCESSIBLE SOC’Y, <http://www.accessiblesociety.org/topics/voting/pollaccess.htm> [<https://perma.cc/CD28-95LJ>] (last visited Jan. 2, 2022).

more impediments.²⁶ For example, many voting facilities provide inaccessible parking, narrow doorways, poor signage, and broken or inaccessible voting machines.²⁷ Voters with visual impairments, hand or arm impairments, and those who use wheelchairs are too often unable to vote with complete privacy and independence. And poll workers are too often ignorant of, and indifferent to, the disabled community's diverse needs. Disabled voters across the nation have reported poll workers' inability or reluctance to assist them.²⁸ Indeed, poll workers sometimes even accuse voters with disabilities of lying about their condition²⁹ or question their right to vote.³⁰

All of these problems have had a "chilling effect" on many disabled voters—that is, have motivated them to opt out of voting altogether³¹—to such an extent that they tend to vote less frequently than the general population.³² In 2016, disabled voters were a little over two percent less likely to register to vote, and five percent fewer people with disabilities voted in the election than their counterparts.³³ This amounts to almost three million uncast votes.³⁴

II. LEGISLATION

The U.S. began addressing voting barriers in 1965 with the enactment of the Voting Rights Act.³⁵ Subsequent legislation, most notably the Voting Accessibility for the Elderly and Handicapped Act of 1984,³⁶ Americans with Disabilities Act of 1990,³⁷ and Help America Vote Act of 2002 exclusively addressed barriers specific to the disability community.³⁸

26. *Voters with Disabilities: Observations on Polling Place Accessibility and Related Federal Guidance*, U.S. GOV'T ACCOUNTABILITY OFF. (Dec. 4, 2017), <https://www.gao.gov/products/gao-18-4?source=ra>. [<https://perma.cc/7SW7-7DTQ>].

27. *Id.*

28. Schur, *supra* note 11.

29. *Id.*

30. Belt, *supra* note 7.

31. *Id.*

32. Waterstone, *supra* note 21.

33. *ADA Compliance for Polling Places*, EZ-ACCESS (Feb. 12, 2020), <https://www.ezaccess.com/post/ada-compliance-for-polling-places> [<https://perma.cc/T2GU-32K5>].

34. *Id.*

35. See *infra* note 40.

36. See *infra* note 45.

37. See *infra* note 47.

38. See *infra* note 52.

In this section, I will provide a brief overview of these laws and explain how they fail to fully protect disabled persons' voting rights.³⁹

The Voting Rights Act of 1965 (VRA) primarily aimed to end racial discrimination in voting⁴⁰ by prohibiting discriminatory voting rules, requiring jurisdictions with a record of voting discrimination to acquire approval before implementing future rules, and establishing the equal protection standard for voting rights.⁴¹ While the VRA entitles people with disabilities to voting assistance from a person of their choosing,⁴² it does not guarantee disabled voters physical access or privacy and independence.⁴³ Nor does it indicate in sufficient detail what kind of assistance should be provided at polling places.⁴⁴

The Voting Accessibility for the Elderly and Handicapped Act of 1984 (VAEHA) was designed to increase access to voter registration facilities and polling places for elderly and disabled voters.⁴⁵ VAEHA requires state political subdivisions to make designated polling places accessible, but there are two problems. First, it does not specify standards for accessibility. Second, VAEHA makes an exception for situations in which state officials responsible for administering elections determine that accessibility is unattainable.⁴⁶

The Americans with Disabilities Act (ADA) was enacted to eliminate discrimination against individuals with disabilities.⁴⁷ It enumerates national goals for achieving equal opportunity and full participation in public and private sectors.⁴⁸ Title II of the ADA prohibits discrimination by, or the exclusion of individuals with disabilities from participating in programs or activities of public entities.⁴⁹ This prohibition extends to voting.⁵⁰ Unfortunately, the ADA does not require polling

39. *Id.*

40. 52 U.S.C.A. § 10301.

41. Shannon L. Vandiver, *A Return to the Basics: Constitutional Answers to the Racial Gerrymandering Questions*, 21 CAMPBELL L. REV. 99, 102 (1998).

42. 52 U.S.C.A. § 10508.

43. Waterstone, *supra* note 21.

44. Belt, *supra* note 7.

45. 52 U.S.C.A. § 20102.

46. Thomas H. Earle & Kristi M. Bushner, *Effective Participation or Exclusion: The Voting Rights of People with Disabilities*, 11 TEMP. POL. & CIV. RTS. L. REV. 327, 336 (2001-2002).

47. 42 U.S.C.A. § 12101.

48. *Id.*

49. *Id.*

50. 42 U.S.C.A. § 12101 (“...discrimination against individuals with disabilities persists in such critical areas as employment, housing, public

places to satisfy Title II, and as many as sixteen states have taken advantage of this omission.⁵¹

The Help America Vote Act (HAVA) was enacted after the fiasco that occurred in Florida after the 2000 election.⁵² HAVA was designed primarily to improve the accuracy of voting machines.⁵³ For example, Title I of the statute designates funds for replacement of outdated voting machines.⁵⁴ HAVA was secondarily designed to ensure voters a private and independent ballot.⁵⁵ Still, it fails to define minimum accessibility standards and does not create a federal definition of disability, which leads to underinclusive state protections.⁵⁶

The statutes above are all helpful but insufficient. Even when fully enforced, they still fail to guarantee accessibility, privacy, and independence for all disabled voters.

Disability advocates have attempted to use these federal statutes to claim greater accessibility with inconsistent results. For instance, In *Association of People with Disabilities v. Shelley*, blind voters sought to prevent the removal of a voting machine from a polling place which allowed them to vote privately and independently.⁵⁷ The court held that although “casting a vote independently and secretly would be preferred over casting a vote with the assistance of a family member or other aide,” the ADA does not require accommodations to be “comparable in every way with the voting rights enjoyed by persons without disabilities.”⁵⁸

In *Westchester Disabled on the Move, Inc. v. City of Westchester*⁵⁹, the plaintiffs filed a motion for a preliminary injunction requesting the court to “enjoin the Defendants from discriminating against the Plaintiffs with regard to their right to vote at Westchester County polling places...order Defendants to evaluate the accessibility of all polling places

accommodations, education, transportation, communication, recreation, institutionalization, health services, voting, and access to public services...”).

51. *Polling Places*, NAT’L CONF. OF STATE LEGISLATURES (Oct. 20, 2020), <https://www.ncsl.org/research/elections-and-campaigns/polling-places.aspx> [<https://perma.cc/4QRK-JX7A>].

52. 52 U.S.C.A. §20901.

53. *Id.*

54. *Id.*

55. Belt, *supra* note 7.

56. *Id.* at 1504-1505.

57. *Am. Ass'n of People with Disabilities v. Shelley*, 324 F. Supp. 2d 1120 (C.D. Cal. 2004).

58. *Id.*

59. *Westchester Disabled on the Move, Inc. v. Cty. of Westchester*, 346 F. Supp. 2d 473 (S.D.N.Y. 2004).

in Westchester County to disabled voters, and order the Defendants to modify the polling places in Westchester County so that they are accessible to disabled voters...”⁶⁰ The court found that irreparable harm had occurred if disabled voters were required to vote at alternative locations or by absentee ballots. The court first reasoned disabled voters may not know what alternative locations would be accessible to voters with their specific disability or may be dissuaded from voting altogether if they found themselves at an inaccessible polling place. Second, the court found absentee ballots to be an inadequate alternative to voting in person since disabled voters “may have to vote well in advance of election day, thereby denying them as much time as others to consider their choice”.⁶¹ The court stated, “Failing to ensure that disabled individuals are able to vote in person and at their assigned polling place... could not reasonably be construed as consistent with providing ‘meaningful access’ to the voting process, particularly where the alternatives relied upon by the Defendants impose additional costs, risks and inconveniences on disabled voters not faced by others”.⁶²

The Second Circuit, in *Disabled in Action v. Board of Elections*⁶³, affirmed the district court’s finding that the Board of Elections in the City of New York (BOE) failed to allow disabled voters meaningful access to its voting program by designating inaccessible poll sites and failing to guarantee their accessibility. The court noted, “Indeed, to assume the [the opportunity to fully participate in BOE’s voting program] is anything less -- such as merely the opportunity to vote at some time and in some way -- would render meaningless the mandate that public entities may not “afford [persons with disabilities] services that are not equal to that afforded others”.

Despite the courts’ latter decisions, polling place inaccessibility continues to be one of the most common challenges faced by disabled voters.⁶⁴

60. *Id.* at 475.

61. *Id.* at 478.

62. *Id.*

63. *Disabled in Action v. Bd. of Elections*, 752 F.3d 189 (2d Cir. 2014).

64. Jason Harris, *Voting Accessibility: Responsibilities and Rights*, ADA ANNIVERSARY (February 6, 2020), available at <https://www.adaanniversary.org/blog/2020-02-voting-accessibility> [<https://perma.cc/8VZJ-M4EH>]; Schur, *supra* note 11.

III. REMEDIES

Curbside voting and absentee or mail-in voting have largely helped disabled voters avoid the problems described in Part II, especially during the COVID-19 pandemic. But these alternatives still do not provide a complete solution. While curbside voting allows voters, with the assistance of poll workers, to complete their ballots outside polling places,⁶⁵ some voters are unable to exercise this option because of inclement weather or a failure to give advance notice.⁶⁶ Additionally, voting curbside robs the voter of a private and independent ballot.⁶⁷

Voting by mail is also problematic for several reasons. First, this method traditionally involves completing a paper ballot – a task voters who are blind or who have a mobility or cognitive impairment are unable to accomplish independently.⁶⁸ Second, voters must often submit their ballots by election day and, therefore, do not benefit from campaign information dispensed after they submit their vote.⁶⁹ Third, voting by mail threatens the integrity of the ballot. There is no guarantee that the voter is exercising his or her own independent choice and is not being pressured to vote in a particular manner.⁷⁰ The goal here is not to discount the effectiveness of voting by mail. To the contrary, the expansion of mail-in voting during the pandemic provided another option for voters with disabilities. As a result, voting amongst the disabled community increased by 6% in 2020, and only 11% of these voters reported facing voting challenges, compared to 26% in 2012.⁷¹ Accessibility issues, however, cannot be resolved with a one-size-fits-all solution. Voting by mail is an effective alternative only under certain circumstances. Thus, state officials

65. See Bethany Dixon, *Polling Stations Not Up to ADA Standards Prevent Voting*, 21 PUB. INT. L. REP. 17, 19 (2015).

66. *Id.*; Waterstone, *supra* note 21.

67. Vasilogambros, *supra* note 1.

68. Abigail Abrams, *Absentee Ballot Applications Are Not Accessible to Voters With Disabilities in 43 States*, TIME (Dec. 27, 2021, 9:30 PM), <https://time.com/5894405/election-2020-absentee-ballot-applications-disability-rights/> [<https://perma.cc/S6WW-HFY8>].

69. Waterstone, *supra* note 21.

70. Daniel P. Tokaji & Ruth Colker, *Absentee Voting by People with Disabilities: Promoting Access and Integrity*, 38 MCGEOGRE L. REV. 1015, 1025 (2007).

71. *New Data: 17.7 Million Americans with Disabilities Voted in 2020, a Significant Increase Over 2016*, U.S. ELECTION ASSISTANCE COMM'N (Dec. 27, 2021, 9:25 PM), <https://www.eac.gov/news/2021/07/07/new-data-177-million-americans-disabilities-voted-2020-significant-increase-over> [<https://perma.cc/NS7W-2XAD>].

should not neglect their responsibility to make polling places accessible for disabled people who are entitled to and desire to vote in person.⁷²

Fortunately, the Biden administration has started making progress toward improving polling places for disabled persons. One of President Biden's earliest executive orders aims to improve access to voting for disabled persons, military personnel, overseas voters, and Native Americans.⁷³ Disabled persons, in particular, will enjoy improved access to registration, voting technology, voting by mail, and polling locations.⁷⁴ President Biden called on all federal agencies to contribute to this effort.⁷⁵

I propose that Congress build on President Biden's efforts by doing three things: First, Congress should develop and mandate minimum accessibility standards, including the requirement that all polling places be assigned to facilities covered under the Americans with Disabilities Act (ADA). Second, Congress should finally pass the For the People Act (FPA), the goal of which is to dramatically strengthen Americans' voting rights.⁷⁶ The bill contains provisions modernizing the American voting

72. Tokaji & Colker, *supra* note 70.

73. Brett Samuels, *Biden to Sign Executive Order Aimed at Increasing Voting Access*, THE HILL (March 07, 2021), <https://thehill.com/homenews/administration/541968-biden-to-sign-executive-order-to-increase-voting-access> [<https://perma.cc/EJ8D-2YJM>].

74. Press Release, Fact Sheet: Executive Order on Promoting Access to Voting, THE WHITE HOUSE (March 7, 2021), <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/03/07/executive-order-on-promoting-access-to-voting/> [<https://perma.cc/XZ4J-R7G4>] (“Within 270 days of the date of this order, the National Institute of Standards and Technology (NIST) within the Department of Commerce shall evaluate the steps needed to ensure that the online Federal Voter Registration Form is accessible to people with disabilities. During that period, NIST, in consultation with the Department of Justice, the Election Assistance Commission, and other agencies, as appropriate, shall also analyze barriers to private and independent voting for people with disabilities, including access to voter registration, voting technology, voting by mail, polling locations, and poll worker training. By the end of the 270-day period, NIST shall publish recommendations regarding both the Federal Voter Registration Form and the other barriers it has identified”).

75. *Id.*

76. *Id.*

system;⁷⁷ restoring all the protections of the Voting Rights Act of 1965;⁷⁸ reforming campaign finance; ending partisan gerrymandering; and overhauling federal ethics rules.⁷⁹ Third, in order to avoid under-inclusiveness and ambiguity about who is entitled to accessible in-person voting, Congress should look to the definition of “disability” in legislation such as the Americans with Disabilities Act and add a comprehensive list of disabilities to the FPA.⁸⁰

CONCLUSION

The ever-increasing disability community still lacks access to in-person voting, despite existing legislation addressing and prohibiting discrimination. There is no guarantee that polling places will be free from barriers that compromise privacy and independence or cause embarrassment because of the attention assistance from others may bring.⁸¹ While the COVID-19 pandemic motivated states to cure some of these problems with mail-in voting,⁸² it also created additional barriers for in-person voting.

The Biden administration’s efforts to strengthen disabled persons’ voting rights should help remedy these problems to some extent. But they

77. *H.R. 1, the For the People Act*, <https://sarbans.house.gov/issues/hr-1-the-for-the-people-act> [<https://perma.cc/L3DU-QVQ3>], (“H.R. 1 expands access to the ballot box by taking aim at institutional barriers to voting, including cumbersome voter registration systems, disenfranchisement and limited voting hours. H.R. 1 will create automatic voter registration across the country, ensure that individuals who have completed felony sentences have their full voting rights restored, expand early voting and enhance absentee voting, simplify voting by mail, reduce long lines and wait times for voters and modernize America’s voting system.”).

78. *Supra* note 40.

79. Wendy R. Weiser, Daniel I. Weiner, & Dominique Erney, *Congress Must Pass the “For the People Act”*, BRENNAN CTR. FOR JUST. (Jan. 29, 2021), <https://www.brennancenter.org/our-work/policy-solutions/congress-must-pass-people-act> [<https://perma.cc/L3DU-QVQ3>].

80. 42 U.S.C.A. § 12102 (“The term ‘disability’ means, with respect to an individual, a physical or mental impairment that substantially limits one or more major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment”).

81. Belt, *supra* note 7.

82. Kate Sullivan, *Impact of COVID-19 on the 2020 US Presidential Election Case Study*, INT’L INST. FOR DEMOCRACY AND ELECTORAL ASSISTANCE (Nov. 20, 2020), <https://www.idea.int/sites/default/files/impact-of-covid-19-on-the-2020-us-presidential-election.pdf> [<https://perma.cc/J25C-XVF3>].

are not sufficient. Congress needs to do its part as well by passing the For the People Act. Everyone will benefit from these reforms, including all of the communities that have been disenfranchised through voter suppression and discouragement.⁸³

83. Belt, *supra* note 7.