



Disability Rights California Logo

LEGAL ADVOCACY UNIT

1330 Broadway, Ste. 500
Oakland, CA 94612
Tel: (510) 267-1200
TTY: (800) 719-5798
Intake Line: (800) 776-5746
Fax: (510) 267-1201
www.disabilityrightsca.org

December 4, 2019

Sent via email to elections@amadorgov.org

Kimberly L. Grady
Amador County Clerk-Recorder/Registrar of Voters
810 Court Street
Jackson, CA 95642

Re: Comments on Amador County's Draft EAP

Dear Ms. Grady,

Disability Rights California (DRC) appreciates the opportunity to comment on Amador County's Draft Election Administration Plan (EAP). DRC is the protection and advocacy system for Californians with disabilities. Under the Help America Vote Act of 2002, DRC is charged with ensuring "the full participation in the electoral process for individuals with disabilities, including registering to vote, casting a vote and accessing polling places." See 42 U.S.C. §15461.

We would like to acknowledge your Elections Department's excellent website which provides detailed information on accessible voting. Additionally, we appreciate your Elections Department's willingness to reach out to us with questions and invitations to join Voting and Language Accessibility Advisory Committee (VAAC-LAAC) meetings. We look forward to continuing this relationship.

Below are DRC's comments on the draft EAP:

Television

The EAP's Voter Education and Outreach section should include the plans for television outreach described in the appendices. The VCA requires the use of television to inform voters of the availability of a vote-by-mail ballot in an accessible format and the process for requesting such a ballot. Elec. Code § 4005(a)(10)(I)(i)(II). It is good that Amador County (County) is exploring other options like Facebook Live if traditional television (including cable or satellite) advertising is not available. However, there are likely other opportunities for television. For example, the requirement could be met if elections staff are interviewed by local news and accessible vote-by-mail is mentioned. Additionally, the County should explore opportunities to collaborate on television outreach with neighboring VCA counties.

Consultation Meetings vs. Workshops

The VCA requires that information about workshops for the disability community and language minority communities be described in the Voter Education and Outreach Plan part of the EAP. Elec. Code §4005(a)(10)(I)(i)(VI)(ia)&(ib). The VCA requires these workshops before the March Presidential Election. *Id.* The VCA also required a consultation meeting for both the disability and language communities. Elec. Code §4005(a)(10)(A)(i). The County fulfilled the consultation meeting requirement with the meetings held on September 19, 2019 and described in the appendices. The consultation meeting is called a "workshop" in the EAP, which makes it confusing.

The EAP needs to include a description about the planned workshop for people with disabilities. We suggest holding the workshop for voters with disabilities close to the March Presidential Election. Ideally, the workshop would be held sometime close to the mailing of vote-by-mail ballots. The County should consult the VAAC-LAAC members about their thoughts on the timing. Please note the County is required to conduct one workshop each for the disability and language communities. The County should also consider hosting multiple workshops for voters with disabilities and for each language and work with the VAAC-LAAC to plan the events. The workshops should be at least one hour or longer.

Accessible Format

The VCA requires that the draft EAP, amended EAP, and final adopted EAP be posted in accessible formats. See Elec. Code §4005(a)(10)(E)(iii). DRC has provided your staff with “how to” materials on making documents accessible. Based on our analysis, the EAP is currently missing accessibility features such as “alt-text” descriptions for images. Overall, this is easy to do with Microsoft Word or similar programs.

Accessible Vote-by-Mail

The EAP mentions accessible vote-by-mail where it discusses how a person can request the option on page 5. However, the EAP does not describe what accessible vote-by-mail is and how it works. Below is sample language you can use:

Accessible Vote-by-Mail (AVBM) allows voters to vote on their own assistive devices. To use AVBM, a voter must first make a request for an AVBM ballot from their County elections office either by returning the postage paid postcard they received in their vote-by-mail packet, phone, email, or online. Once the request is received, an email with a link to the AVBM will be sent to the voter. The voter must click on the link and enter their voter information (i.e. birthdate and address) in a secured portal. After entering their information, the voter must affirm they are a voter with a disability (type of disability is not asked). The voter will then download their ballot and any additional information and instructions on how to mark and return the ballot. The voter marks their ballot using their own assistive technology (jelly switches, screen readers, mouse keys, sip and puff, etc).

Once the ballot is complete, the voter must print out the ballot with their selections and place it in an envelope. AVBM voters should use the envelope that is mailed with their vote-by-mail ballots. Using the vote-by-mail envelope is encouraged as it is easier to use, has holes along the signature line, and will be easier for election staff to identify. The voter must sign the envelope and then can return the ballot by mail (postmarked and received within 3 days after Election Day), drop box, or

vote center by 8pm on Election Day.

Budget

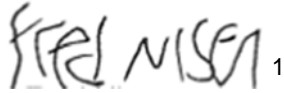
The EAP provides some budget planning information but it does not meet all of the VCA's budget information requirements. The VCA, in Elec. Code §4005(a)(10)(I)(i)(VII), requires the following:

A description of how the county will spend the necessary resources on voter education and outreach to ensure that voters are fully informed about the election. This description shall include information about the amount of money the county plans to spend on voter education and outreach activities under the plan, and how that compares to the amount of money spent on voter education and outreach in recent similar elections in the same jurisdiction that were not conducted pursuant to this section.

Please provide the required budget information in order to demonstrate that the County has allocated sufficient funding to meet the education and outreach requirements. A sufficiently funded plan will ensure that all voters, including voters with disabilities, learn about how voting will change under the VCA. There is currently a line item for "Communications" on page 13 but it is unclear what this line item covers. If it covers media outreach, it seems insufficient to meet the VCA's numerous media outreach requirements.

We appreciate the open line of communication we maintain with your staff. You can reach us with questions or comments at any time.

Sincerely,

A handwritten signature in black ink that reads "Fred Nisen" followed by a small superscripted "1".

Fred Nisen
Supervising Attorney for Voting Rights
Voting Rights Practice Group

A handwritten signature in black ink that reads "Paul R. Spencer" followed by a small superscripted "2".

Paul R. Spencer
Staff Attorney for Voting Rights
Voting Rights Practice Group

¹ Fred Nisen signature ([Return to Main Document](#))

² Paul R. Spencer signature ([Return to Main Document](#))