

# National Coalition on Accessible Voting's Voter Access Guide Chapter 2: Gathering Information on Voting

A guide for election administrators to making voting accessible for people with disabilities

August 2024

The National Coalition on Accessible Voting is a coalition that maintains and expands voting access for people with disabilities.

# About the Voter Access Guide

We wrote the Guide to help election administrators make voting accessible. The Guide provides information, recommendations, and checklists on accessibility for every stage of the voting process, from registering and gathering information on voting to casting a ballot. The Guide identifies barriers to accessibility in advance, allowing you to address them early in your planning process.

We provide links to the best free resources available for each topic. Use the resources provided in the Guide as starting points for further research.

The Guide was written by Kelly Israel, coordinator of the National Coalition on Accessible Voting (NCAV). Edits were made by members of the NCAV and election administrators. We hope that the Guide helps you develop fair, accessible elections with improved turnout from voters with disabilities.

The Guide refers to "expanding" or "improving" accessibility rather than "making voting accessible." We (and many election officials) strive for full accessibility for all people with disabilities, but full accessibility is an always-moving, evolving target. Polling places may change. Voting equipment may need to be updated. Election administrators and state laws and regulations may change.

# Disclaimers

The Guide does not cover every issue. It is a general overview of expanding voting accessibility. We encourage election administrators to do more research on all topics.

This Guide brings voting accessibility resources together in one place for easy access. We link to or cite resources we used to develop the Guide.

Conformance to any recommendations or use of any resources contained within or suggested by this Guide is not intended to act as a standard for compliance with federal or state law.

The recommendations in this Guide do not constitute legal advice or advice on how to comply with any federal or state law or policy, including the Help America Vote Act (HAVA),<sup>1</sup> the Voting Rights Act (VRA),<sup>2</sup> the National Voter Registration Act (NVRA),<sup>3</sup> Section 504 of the Rehabilitation Act of 1973,<sup>4</sup> Section 508 of the Rehabilitation Act of 1973,<sup>5</sup> the Americans with Disabilities Act (ADA),<sup>6</sup> and the Voting Accessibility for the Elderly and Handicapped Act of 1984 (VAEHA).<sup>7</sup>

The Guide does not constitute advice on how to implement the President's Executive Order on Promoting Access to Voting (March 7, 2021)<sup>8</sup> or any other Executive Order or policy of any federal agency. Each department, office, agency, organization, entity, or individual must make their own independent determination on compliance with any and all applicable laws, including those discussed in this Guide.

<sup>&</sup>lt;sup>1</sup> Help America Vote Act, 52 U.S.C. §§ 20901–21145 (2022).

<sup>&</sup>lt;sup>2</sup> Voting Rights Act of 1965, 52 U.S.C. § 10101; 52 U.S.C. §§ 10301–10314; 52 U.S.C. §§ 10501–10508; 52 U.S.C. §§ 10701–10702 (2022).

<sup>&</sup>lt;sup>3</sup> National Voter Registration Act of 1993, 52 U.S.C. §§ 20501–20511 (2022).

<sup>&</sup>lt;sup>4</sup> Rehabilitation Act of 1973, 29 U.S.C. § 701 *et seq.* (2022).

<sup>&</sup>lt;sup>5</sup> Id.

<sup>&</sup>lt;sup>6</sup> 42 U.S.C. § 12101 *et seq.* (2022).

<sup>&</sup>lt;sup>7</sup> Voting Accessibility for the Elderly and Handicapped Act of 1984, 52 §§ 20101-20107 (2022).

<sup>&</sup>lt;sup>8</sup> President's Executive Order on Promoting Access to Voting, Exec. Order No.14019, 86 Fed. Reg. 13623 (Mar. 7, 2021), <u>https://www.govinfo.gov/content/pkg/FR-2021-03-10/pdf/2021-05087.pdf</u>.

National Coalition on Accessible Voting's Voter Access Guide Chapter 2 – Gathering Information for Voting

# Chapter 2 Gathering information on voting

# In Chapter 2

- <u>Resources and tools for providing information about voting</u>
- **Providing information online** 
  - o <u>Creating accessible election websites</u>
  - o <u>Creating accessible online documents</u>
  - o Creating accessible online videos and presentations
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  - o <u>Creating accessible emails</u>
  - o Using accessibility checkers and accessibility tools for online content
- <u>Providing information at the office</u>
- <u>Providing information over the phone</u>

In order to vote, voters need information. They need to know how and where to register to vote, whether voting by mail, electronically, or in person is best for them, how to mark and verify their ballot, and how to cast their ballot.

**Voters may need to know about where and how to request a mail or absentee ballot.** They may need to know about early voting, curbside voting, same-day voter registration, and polling place accessibility.

They may also need to know about state laws and regulations on voting, such as: voter ID and document requirements, any limitations on voter assistance, and any state laws which disenfranchise specific people, such as convicted felons or people who a court ruled could not vote.

Voters get information on voting in many different ways.

- Searching on websites. They can visit federal and state websites like <u>Vote.gov</u> or the <u>state</u> of <u>Maryland's website</u>, or visit election agency websites such as the <u>Maryland State Board</u> of <u>Elections website</u>. Election administrators and officials are first-party sources of information on elections, and so it is particularly important for their websites to be accessible.
- Looking at social media accounts they trust. Some election agencies update social media accounts, such as for example the <u>Cuyahoga County Board of Elections' Twitter</u>.
- Using email to reach out to election officials for information on voting.
- **Getting information and services in person.** These voters visit the offices of local election officials, federal benefits agencies, agencies that serve people with disabilities and departments of motor vehicles.
- Calling election agencies over the phone.

**All information shared by election agencies must be accessible**. This section of the Guide helps you identify features your content needs to be accessible. It also recommends best practices for providing services to people with disabilities in person and over the phone.

#### Providing information about candidates and issues

This Guide is for election officials and does not teach voters how to evaluate information

# Resources and tools for providing information on voting

## **General resources**

The National Council on Independent Living (NCIL)'s <u>November 2018 Sample Ballot Toolkit</u> is a wonderful resource for election officials who want to create accessible sample ballots.

The American Civil Liberties Union (ACLU)'s excellent 2015 brief, <u>Access Denied: Barriers to Online</u> <u>Voter Registration for Citizens with Disabilities</u>, is a comprehensive look at common accessibility issues on election websites.

### For general resources on online accessibility or elections:

- <u>The National Center on Accessible Educational Materials (or AEM Center)</u>, while it is meant to help teachers design accessible online educational materials, can help others. Not all the information on the AEM Center website is relevant, but most is. The AEM Center has videos and guides that describe how to create accessible documents and websites.
- <u>WebAIM</u> provides many articles on online accessibility and easy access to free accessibility resources under its "articles" and "resources" tabs.
- The University of Minnesota's <u>Accessible U</u> "support resource" provides free information and articles on accessibility under its "Develop Accessible Websites and Applications" sub-tab under "What You Can Do."
- The World Wide Web Consortium created the Web Content Accessibility Guidelines (WCAG), and its <u>Web Accessibility Initiative (WAI) subpage</u> contains many different resources on how to create accessible online websites and web content. WCAG 2.1's <u>Techniques page</u> provides web designers with examples on how to meet WCAG 2.1's requirements, although many techniques reference older versions of programs, such as Word 2007.
- The <u>A11Y Accessibility Checklist</u> is a free resource that provides a checklist of accessibility features for your websites and documents. You can use the checklist to determine whether you have addressed an accessibility need in your work.
- <u>Digital.gov</u> is primarily a Section 508 compliance resource, but also provides links to accessibility tools and resources.

- ADA.gov's web accessibility guidance describes how state and local agencies like election agencies can ensure their websites comply with the accessibility requirements of the Americans with Disabilities Act of 1990.
- <u>ElectionTools.org</u> provides free resources to election administrators and officials looking to design responsive, effective elections with high turnout. It is especially helpful for election officials looking to expand their online presence.
- The American Association of People with Disabilities (AAPD) offers <u>guides on how to vote in</u> <u>every state</u> on its website. If you are interested in sharing resources from other organizations, AAPD's guides are excellent accessible resources for voters.
- The National Disability Rights Network (NDRN)'s <u>Accessibility Guidelines</u> provide general information on web, presentation, and live event accessibility.
- In Colorado: The Colorado Secretary of State provides free takeaway training resources called EPIC. Their Navigating Elections Guide serves as a comprehensive resource designed to inform and empower county staff and election workers about statewide election voting systems and procedures. These resources are available upon email request to <u>elections.training@coloradosos.gov</u>.

We encourage you to reach out to us at <u>kelly.israel\_contractor@ndrn.org</u> with any additional election administration resources from your state.

## **Accessibility Consultants**

Although election officials are responsible for the accessibility of their services, we encourage you to work with experienced consultants, information technology (IT) staff, and web designers.

We do not endorse any specific for-profit vendor or content in this Guide. However, several advocacy organizations have created lists of accessibility consultants that may be useful.

- NCIL has a short list of accessibility consultants.
- The <u>National Federation of the Blind</u> has a similar list.
- Digital A11Y has a fairly <u>comprehensive list of consultants and professionals in North</u> <u>America</u>.

# Advocacy Organizations

The best people to ask about disability etiquette, assistance, employee training, and accommodations are advocacy organizations. Advocacy organizations are experts in the disabilities of their members and constituents. Their staff may even have a disability themselves. Keep in mind that advocacy organizations and accessibility checkers with disabilities will need to be paid for their work.

The following organizations have extensive familiarity with digital accessibility:

- The <u>National Disability Rights Network</u> and its <u>Protection & Advocacy system of member</u> agencies
- The National Federation of the Blind
- The American Council for the Blind
- American Association of People with Disabilities
- National Council on Independent Living (NCIL)
- National Association of the Deaf (NAD)

The following organizations have worked extensively on plain language, Easy Read, or readability:

- Autistic Self Advocacy Network
- <u>Self Advocates Becoming Empowered</u>
- <u>TASH</u>

We also encourage you to review the <u>Consortium for Constituents with Disabilities' list of member</u> <u>organizations.</u> CCD is not related to the NCAV, but its members sometimes collaborate with us or attend our meetings as non-members.

For additional disability rights organizations, consult our list of <u>NCAV member organizations</u>.

# **Providing Information Online**

# **Creating Accessible Election Websites**

Election websites can provide information on:

- Races and candidates in the state, county, or municipality
- Where and how to vote (including ballot drop box and curbside voting locations
- Voter registration
- Early voting (where available)
- Mail-in voting
- Voting rules for the jurisdiction
- ... and more!

If your website is not accessible, it will be harder for voters with disabilities to get information. Additionally, you may be liable under federal law, including Title II of the ADA.

This Guide provides you with recommendations, lists of available resources on accessibility, and a checklist of important features so you or your website designers can create a website that most people with disabilities can use.

#### Web Content Accessibility Guidelines

Whether you have hired web designers or are designing a website yourself, your first stop should be W3C's Web Content Accessibility Guidelines (WCAG). The Department of Justice will <u>require the</u> <u>use of WCAG 2.1.</u>

The WCAG 2.1 standards are located at: <u>https://www.w3.org/TR/WCAG21/</u>

The WCAG is a list of features that online content should have in order to meet the needs of people with disabilities. The WCAG is the "gold standard" for website accessibility. A website that has all the features listed in the WCAG will be accessible to people with many different types of disabilities.

The WCAG 2.1 guidelines cover most topics, including:

- Text size, color, and contrast
- Reading level
- Alternative (alt) text that helps describe images to viewers with disabilities
- Audio descriptions

- Captions on videos
- Having text that is searchable using a screen reader
- The ability to navigate the website using a keyboard.

The WCAG has "levels" of compliance. Level A requires the fewest accessible features and Level AAA requires the most accessible features.

We recommend that you use Level AA for most content. The Department of Justice will (beginning June 24, 2024) require the use of WCAG 2.1 at Level AA. We recommend the use of Level AAA for:

- Voter registration forms
- Applications for a provisional or absentee ballot
- Information on how to cast a mail-in or electronic ballot
- Information on early voting
- Information on where to find accessible ballot drop boxes
- Information on polling place locations, including information on accessible parking spaces, entrances, exits, and pathways through the building
- Instructions for how to vote upon reaching the polling place.

#### Section 508.gov

We recommend that you review <u>Section508.gov</u>. The General Services Administration created Section508.gov to help federal agencies and state agencies that receive federal funds comply with Section 508 of the Rehabilitation Act of 1973.

Section508.gov is a great general resource on accessible website design even if your office is not required to comply with Section 508. For example, the website <u>recaps the WCAG standards</u>, describes <u>how to create many different kinds of accessible online media</u>, and <u>explains how</u> <u>universal design principles apply to web design</u>, among other features that benefit non-federal agencies.

#### **Election Tools Website Template**

The website <u>ElectionTools</u>.org has a <u>template</u> for a county or state election website. The template provides an example of how to best organize your website to convey all the information you need to as easily as possible.

Make sure to incorporate accessibility features into websites based on the template. Election Tools also has <u>resources on website accessibility</u>, including an <u>accessibility statement</u> that explains how they made the Election Tools website accessible.

# Website Accessibility Checklist

Disclaimer: Following our recommendations is not intended as legal advice, and does not necessarily ensure nor is intended as a substitute for full compliance with federal or state law, including the ADA.

- When you or your web designers begin to design your website, they or you can review this checklist of features that are common on more accessible websites. The checklist will help you determine if you've missed an important feature or aspect of online accessibility.
- Is your website organized in a clear, logical, and consistent way?
- Can a person get to different parts of the website using only a few mouse clicks or keyboard moves?
- Can a person using a magnifier-type screen reader make parts of the webpage larger? Does that make the webpage easier to read?
- Does the website:
  - Use shorter lines of text to make it easier for screen readers to read it?
  - Place things the user has to click to enter data or navigate the page to the left or center of the screen?
  - Allow for "text scaling," which means the size of the page's text can be changed by the viewer?
- Can the website be navigated easily using only a keyboard? The following is a keyboard accessibility checklist for you or your web designers:
  - Can the user navigate by using only "Tab" and arrow keys?
  - Can a "Submit" button or other interactable image be selected using the "Enter" key?
  - Does the website use a technique known as "semantic HTML" to label headings? For example, can a blind user, user with low-vision, or user with vision-related disabilities on the Section508.gov website tell they are on a subpage of 508.gov on this page?
  - Can the user perform "skip navigation" commands on their screen reader? For example, if you were using a screen reader and wanted to get to a specific tab, could you tell the screen reader to "skip over" reading the title and the information under it and to go to the tab instead?
- Are there alt text, image descriptions, and captions on all picture and form elements?
  - Are the alt text and image descriptions descriptive enough to show users what's in the image and what the point of it is?
  - Are the alt text and image descriptions accurate?

- Are you using captions that were created by your web designer or yourself? Autocaptions are notoriously unreliable.
- Is there correct color contrast? Limited color contrast between text and background causes many screen readers to interpret text as part of a background image instead. Correct color contrast also makes it easier for low-vision readers to see the text.
- Is all text large enough? If the text is too small, the screen reader may not read it.
- If the website is a form (this Guide says more about forms in "Registering to Vote"):
  - Are all of the form's elements labeled correctly in the screen reader?
  - Can a user navigate between them using only a keyboard?
  - For example, if there is a text box labeled "Street Address," does a blind person, person with low-vision, or person with other vision-related disabilities have a way to know what the text box says, such as an alt text description or a screen reader accessible label?
- Can a user with a cognitive, psychiatric or mental health, and/or intellectual and developmental disability (or all of the above) understand your website? Checklist for cognitive accessibility:
- Does the website use plain language or Easy Read for most of its content? Plain language and Easy Read use simple language easily understood by someone with a 6th-8th grade reading level and below. For examples of how to do Easy Read, review ASAN's toolkit on Easy Read, "One Idea Per Line". For examples of how to do plain language in general, review AUCD's Plain Language Toolkit or Green Mountain Self Advocates' plain language resources page.
  - Do you say the same thing in multiple ways? For example, do you explain how to register to vote using both words and pictures, or using both a video and a form with instructions?
  - Do you minimize the number of tabs and sub-headings the viewer needs to click to get to key information or website features?
  - Is the website's content organized consistently? Does one page look similar to the next in terms of tabs and navigation elements?
  - Do you avoid using extravagant visual elements and flashing lights?

# **Creating Accessible Online Documents**

Disclaimer: These resources are not intended as legal advice, and do not necessarily ensure nor are intended as a substitute for full compliance with federal or state law, including the ADA.

Online accessibility is not just a website feature! Online documents, such as PDFs and Excel spreadsheets, are often inaccessible even if the website is accessible.

These documents often contain critical features or content. For example, an inaccessible sample ballot cannot tell a disabled voter what is on their ballot before Election Day. Online forms can be used to register to vote or to request an absentee ballot. An inaccessible online form is useless to voters with disabilities. We provide steps for creating accessible online forms in the "<u>Registering to</u> <u>Vote</u>" section of the Guide.

This Guide section provides you with checklists and recommendations that help you or your web designers ensure voters with disabilities can use your online documents. We also advise consulting with at least a few of the organizations, resources, and consultants on the "General Resources and Consultants" page. Some advocacy organizations have a lot of experience testing online document accessibility.

### **Features of an Accessible Document**

An accessible document usually has:

- Features that allow keyboard users to use "Tab" to move between sections
- A way to search the document for specific words and phrases
- Logical organization
- Titles
- Document structure tags, such as for headings and paragraphs
- Alt text for images
- Screen reader-accessible tables.

### Making Microsoft Word, PDFs, and Excel Accessible

A good rule of thumb is to create documents in a format that is more accessible to begin with. For example, Microsoft Word is generally more screen reader accessible than a PDF is.

The Guide provides links to resources for making documents accessible in three common document formats: Microsoft Word, PDFs, and Excel. The National Disability Rights Network's <u>Accessibility Guidelines</u> also describe the basics of document accessibility.

### **Making Microsoft Word Documents Accessible**

The best way to make Microsoft Word documents accessible is to use the program's built-in accessibility tools. Microsoft Word's webpage has a "Support" section, which has <u>step-by-step</u>

<u>instructions</u> on how to use its accessibility tools. The website WebAIM has <u>instructions</u> for up to Word 2019 and Word 365.

### Making PDFs Accessible

NCIL's <u>Sample Ballot Toolkit</u> is a good place to start. It provides web designers and election officials with resources and instructions for creating accessible PDF sample ballots, which work for all PDFs. Many of our recommendations are from the Sample Ballot Toolkit. This Guide offers the following recommendations.

- Some programs can be used to create PDFs that are accessible from the very beginning. WebAIM provides <u>guides on how to make PDFs accessible in Adobe Acrobat Pro</u>. <u>Adobe's</u> <u>website provides instructions on how to do it in Adobe InDesign</u>.
- W3C's <u>Techniques page for WCAG 2.1</u> gives web designers examples on how to meet its requirements, including examples on how to create accessible PDFs.
- You can create an accessible PDF by using the "Save to PDF" option in Microsoft Word and adding accessibility features. Microsoft Support provides <u>instructions</u> on how to use Microsoft Office's Accessibility Checker to create accessibility tags in a PDF file. It is always best to start with an accessible Word document. Some accessibility features will be carried over into the PDF.
- You can always ask someone else to make your PDF accessible. There are companies who will fix your PDF's accessibility for a fee. We do not endorse paid content in this Guide. If you want to find a company to pay to fix your PDF, search "PDF accessibility remediation" online.
- This Guide provides lists created by advocacy organizations of the best paid consultants on our "General Resources, Accessibility Consultants, and Acknowledgments" page.

# **Making Excel Spreadsheets Accessible**

We recommend using a different format for providing key information on voting, such as Microsoft Word or PDF for lists of polling places or drop boxes. If you have to use an Excel spreadsheet, this Guide recommends the following.

- Use Microsoft Support. Microsoft Support has <u>instructions</u> on how to use Excel's accessibility checker and tools.
- Check the resources on WebAIM. WebAIM has high-level instructions for Excel.

Section508.gov has a <u>video series and other resources</u> on how to create an accessible Excel spreadsheet.

# **Creating Accessible Videos and Presentations**

Disclaimer: Following our recommendations is not intended as legal advice and does not necessarily ensure nor is intended as a substitute for full compliance with federal or state law, including the ADA.

### **Creating Accessible Videos**

We recommend creating and sharing videos on your website and social media. Videos can provide voters with information on how or where to vote, or teach them how to register to vote, or even share information on how to read or review their ballot. Videos can be valuable tools for information-sharing. They are very helpful for people with disabilities who process information better in spoken words and images than they do information on paper.

#### Accessible videos:

- Include captions in multiple languages
- Have content in plain language or Easy Read
- Use simple, easy-to-understand, iconographic imagery like thumbs-up signs, checkboxes, and ballots
- Include a cued language transliterator
- Provide an alternative video in American Sign Language.

Rooted in Rights has an excellent <u>guide on how to create accessible videos</u>. Their guide covers captions, audio descriptions, transcripts, and accessible video players.

Check ASAN's "<u>One Idea Per Line</u>" guide for instructions on how to create Easy Read documents and <u>AUCD's Plain Language Toolkit</u> for instructions on how to create plain language documents. Some of their advice also applies to any accessible videos you make.

The content should at least meet Level AA WCAG 2.1 standards for "Time-Based Media." They are available at: <u>https://www.w3.org/TR/WCAG21/</u>. The "Web Content Accessibility Guidelines" section of our Guide, in "Creating Accessible Election Websites," has more information on the WCAG.

Make sure that the information in the video is also available in other formats. This helps people with many different kinds of disabilities get the same information.

### **Creating Accessible PowerPoint Presentations**

PowerPoint presentations are a good way to present information to an audience. Many audience members prefer having access to the PowerPoint they view during the presentation. If it is available, the PowerPoint must be accessible.

Microsoft has accessibility checkers that are specific to PowerPoint. Microsoft has <u>instructions on</u> <u>how to use these checkers available on its "Support" page</u>. If you save your PowerPoint into a new format, make sure to check the PowerPoint's accessibility in the new format.

Whenever possible, provide the PowerPoint in accessible formats to your attendees in advance.

# **Creating Accessible Live Presentations and Webinars**

Sometimes your office may decide to hold a live presentation or webinar. This Guide references NDRN's <u>Accessibility Guidelines</u>. The Guidelines have a section on in-person meetings. To ensure your event is accessible to people with disabilities, the Guide offers the recommendations that follow.

- Live presentations, including recorded live presentations, should have live captioning, a cued language transliterator, and a sign language interpreter. People who are Deaf, DeafBlind, DeafDisabled, Hard of Hearing, Late-Deafened, and people with hearing disabilities in your jurisdiction may need these accommodations to access your event.
- Have your speakers use a microphone during live events.
- Ensure that your speakers speak clearly and at a normal volume.
- Set up your physical space for a live event in advance for accessibility. For example, ensure that all walkways are at least three feet across, including spaces between chairs at nearby tables. If using theater or classroom-style seating, designate spaces throughout the room for attendees who use wheelchairs or power wheelchairs. Ensure the rows are spaced properly.
- Accessibility-related services are available from many different companies. While this Guide does not endorse any paid content, we do recommend that you "shop around" for the best services possible.
- For more information on the different types of captioning and what they can be used for, contact the Hearing Loss Association of America (HLAA) or the National Association of the Deaf (NAD). <u>NAD's</u> and <u>HLAA's</u> websites have detailed information on where (and when) captioning needs to be used.
- If you intend to present a PowerPoint or other presentation during the event, recommend that you give the presentation, in a screen reader accessible format, to all attendees in advance. For example, you could give all attendees a copy of the presentation in an accessible PDF, PowerPoint, or Microsoft Word document.
  - If your webinar or live presentation has visual elements, make sure that the captions and interpreters describe these visual elements. Speakers should avoid using "this," "that," and "those," unless they specifically indicate what these words mean. Attendees with vision disabilities cannot see, for example, what the word "this" refers to when it is used in a phrase like "This example here..."

 Make sure your speakers speak slowly enough that the sign language interpreters and captioners can catch up. Make sure that your sign-language interpreters also have a copy of the presentation in advance. Allow extra time for the sign-language or other interpreters to sign and explain visual elements.

<u>Rooted in Rights</u> has information on how to make video calls (such as Zoom or Microsoft Teams calls) accessible.

# **Creating Accessible Social Media Posts**

Disclaimer: Following our recommendations is not intended as legal advice and does not necessarily ensure nor is intended as a substitute for full compliance with federal or state law, including the ADA. Social media posts are covered by the Department of Justice's Title II rule on web accessibility. Review <u>the rule</u> and <u>the Department of Justice's fact sheet</u> for more information.

Social media is an emergent way to reach voters. Social media is ideal for circulating timesensitive, quick "bites" of information, such as a "get-out-the-vote" drive during primary season. Accessible, effective social media content could reach hundreds or thousands of voters, who could then share your content themselves and spread your message far and wide.

Third Party Content: Make sure that you do not share inaccessible third-party social media content! This is a common mistake. Check whether third-party content has basic accessibility features, such as alt text and captions, before you post it.

## **Resources for Creating Accessible Social Media Posts**

Most social media platforms have built-in accessibility features.

- X/Twitter has <u>an explanation available</u> on its website describing best practices for writing accessible Twitter posts, as well as a <u>resource on how to create image descriptions</u> in X/Twitter.
- Instagram has a few accessibility features, which Instagram describes on its <u>"Help"</u> pages. The <u>blog</u> Accessibility.com also has good rules of thumb for creating accessible Instagram posts.
- Facebook has extensive accessibility features. <u>Facebook's Help Center</u> describes how to use them.
- Tiktok has <u>four accessibility features for its content</u>: auto-captions, text-to-speech, animated thumbnails and photosensitivity epilepsy trigger warnings.

# **Creating Accessible Emails**

The most popular email clients are Gmail and Outlook, and they both have built-in accessibility features.

Gmail has buttons-to-text, keyboard shortcuts, screen reader compatibility, and talk back. Check Google's <u>accessibility features page</u> for more information.

Microsoft's accessibility tools are compatible with Microsoft Outlook. <u>Microsoft's support page on</u> <u>Outlook</u> has more information.

The primary source of inaccessibility when sending emails are attached, inaccessible documents. Reference the Guide's page on "Creating Accessible Online Documents" for more information on how to make them accessible.

# Using Accessibility Checkers and Accessibility Tools for Online Content

Accessibility checkers are electronic tools that allow web developers and content creators to run an accessibility "scan" of or "simulation" for content they have created. For example, if you hire web developers, they could use an accessibility tool to check the color contrast of the images on your website. The tool would tell the developers in advance if the color contrast between the text and the background is too low for a screen reader to read the text. Accessibility checkers and other accessibility tools can be of great help to those who are new to either accessibility or web development.

This section of the Guide lists the best free accessibility checkers available in one place so election officials can get to them easily. Accessibility checkers can be either free or paid. We do not recommend any tools that you have to pay for in this Guide, although high-quality paid programs do exist.

### **Acknowledgments and Citations**

NCIL's <u>Sample Ballot Toolkit</u> is the source for many of the accessibility checkers we list, especially those we include under "Simulation" and "Color Contrast." W3C, the creators of the WCAG, have an <u>extensive list</u> of web accessibility checkers and tools.

The Guide also references accessibility checkers that were first collected by:

- Ann Wylie's Medium article "10 free readability checkers"
- Justin Mifsud's UsabilityGeek article "8 Free Web-Based Website Accessibility Evaluation
  <u>Tools"</u>
- Sam Stemler & Erica Statly's AccessibleMetrics article "The 25 Best Free Accessibility Tools to Test Your Site"

 Nicole Flynn's Cielo24 article "10 Document and Web Accessibility Checkers to Get You Started"

## Free General Web Accessibility Checkers

We recommend using these checkers if you want a general look at multiple aspects of the accessibility of a website or document.

- <u>WebAIM's WAVE</u> tools are well-known and well-respected. WAVE's tool has been cited by multiple lists of the best free accessibility checkers.
- <u>AChecker</u> checks for compliance with the WCAG.
- <u>Accessibility Checker</u> checks for compliance with Title II of the ADA and the WCAG.
- <u>TPGI's free ARC Toolkit</u> uses the WCAG 2.1 Level AA to quickly evaluate how accessible any document scanned into it is.
- <u>Microsoft</u> Support explains in the linked page how to use the built-in accessibility checkers in Microsoft products.

#### Free "Simulation" Accessibility Checkers

These accessibility checkers allow the user to either simulate a screen reader or some other aspect of having a disability.

- The <u>Chrome/Chrome Vox Screen Reader extension</u> simulates having a screen reader and reads web content. It is not a proficient, fully featured screen reader, but it can be used by web developers to determine whether their content can be understood by someone using a screen reader.
- <u>Funkify simulators</u> simulate various vision, motor, and cognition disabilities. This allows you or your web developers to get an idea of what your website might look like to someone with one of the simulated disabilities.
- <u>Toptal's Colorblind Web page filter</u> simulates what your website would look like to someone who has a particular form of colorblindness. The filter may help you or your web developers determine what colors to use to avoid confusing a colorblind person.

# Free Specific Accessibility Checkers/Tools

These accessibility checkers, rather than checking for multiple errors, instead check for one specific error, such as insufficient color contrast.

#### **Color Contrast Checkers**

This list is derived from NCIL's <u>Sample Ballot toolkit</u>.

• <u>WebAIM's Contrast Checker</u> tells you the "color contrast ratio" between the foreground and background of what it checks.

- AccessibleWeb's <u>WCAG Color Contrast Checker</u> checks for your color contrast's compliance with the WCAG, which has standards for the degree of color contrast required for accessibility.
- <u>A11Y Color Contrast Accessibility Validator</u> is a standard color contrast checker that uses color Hex Codes to check for compliance with WCAG 2.1.
- <u>Digital A11Y</u> also has a list of most of the free color contrast checkers available online.

#### **Readability Checkers**

Readability checkers score text for readability based on the complexity of the sentences and words used in the text. You can use them to help you determine whether something is in plain language.

Reading level is usually determined by grade level. For example, text that is at an 8th grade reading level can be read by the average 8th grader.

In general, aim for a 3rd-6th grade reading level when writing in plain language. AUCD's <u>Plain</u> <u>Language toolkit</u> is a useful resource, as is ASAN's "<u>One Idea Per Line</u>" toolkit.

Most readability checkers use scoring systems to evaluate a document's readability. The four most common are the Flesch Reading Ease, the Gunning Fog Scale Level, the Flesch-Kincaid Grade Level, and the SMOG Score.

- Flesch Reading Ease: A score of 60 means "plain easy to understand language," so between 60-70 is 8th-9th grade reading level (aim for 8th max), between 50-60 is 10th-12th grade, and below 30 is college graduate level.
- Gunning Fog The Gunning Fog test is looking at syllable numbers and sentence length to determine sentence readability. It helps you determine whether a sentence is too long or "unwieldy." Using this scoring system, 5 is "ideal," 10 is "hard," 15 is "really hard," and 20 is "extraordinarily hard."
- Flesch-Kincaid This scoring system gives the user the grade level. You are looking for a 3rd-8th grade reading level.
- SMOG Score The SMOG Score represents the number of years of education needed to understand the passage.

This Guide recommends two free readability checkers.

- The <u>Free Readability Analyzer</u> analyzes your text according to five readability scoring systems. It is best used on short paragraphs of text.
- <u>WebFx's Readability Test Tool</u> calculates the readability score of an entire website. It can give you a very general picture of how complex the sentences on your webpages are.

When using a readability checker, ASAN recommends in its "<u>One Idea Per Line" guide</u> that you replace or remove technical terms when you define the term in the resource. For example, if you

explain what a "ballot" is, you should replace ballot with a more common word when checking for readability so that repeatedly using "ballot" does not "throw off" the checker. You should do the same for words you know the intended reader already knows, like "President" or "disability."

There are many high-quality paid-for or subscription-based readability checkers. We do not endorse any paid content in this Guide. However, we do not recommend that you and your web designers rely on only free readability checkers. Free readability checkers are best for situations where you want to quickly check a sentence or phrase. They are not a replacement for human review.

We recommend that you consult with an advocacy organization whose members or staff are people with cognitive disabilities, people with psychiatric or mental health disabilities, or people with intellectual and developmental disabilities. It is best practice to pay any advocacy organizations for their work. The <u>Autistic Self Advocacy Network</u>, the <u>Association of University</u> <u>Centers on Disabilities</u> (AUCD), <u>Self Advocates Becoming Empowered (SABE</u>), and <u>TASH</u> have the most experience with readability and plain language.

#### **Miscellaneous Specific Accessibility Checkers**

These checkers are useful for specific accessibility issues and there are few checkers of a similar type.

- The University of Maryland's <u>Photosensitive Epilepsy Analysis Tool</u> checks whether animations or videos are likely to cause seizures.
- SEO Site Checkup's <u>Image Alt Text Checker</u> quickly checks whether all the images on your webpage are using "alt attributes" in their HTML. This is one way to implement alt text in your websites.

# **Providing Information at the Office**

Some people with disabilities gather information by speaking to election officials at their offices. This section of the Guide provides a list of resources and recommendations for serving voters with disabilities in person.

# **Employee Training**

Disclaimer: Following our recommendations is not intended as legal advice and does not necessarily ensure nor is intended as a substitute for full compliance with federal or state law, including the ADA.

Your employees will have to serve people with disabilities. They should be aware of the basic rules of disability etiquette and interaction.

# **Disability Etiquette**

Each person with a disability is different, but there may be rules of thumb for categories of disability. For example, there are specific forms of disability etiquette for blind people, people with low vision, and people with vision-related disabilities. The National Federation of the Blind (NFB) has "Courtesy Rules of Blindness," and the American Council of the Blind (ACB) also posts on blindness etiquette. We recommend that you defer to etiquette rules created by the disability community before using general rules described by people without disabilities.

#### Names for Disabilities

Use a person's preferred term for their disability. If the community is known to prefer a specific term, and you do not know the term the person prefers, use that term for the disability first. See our list of <u>terminology</u> that is commonly used.

There are a few free general etiquette guides available online. Searching "disability etiquette" will help you find them. For example, the United Spinal Association has a <u>good general guide</u>.

Keep in mind that a person may use different etiquette, may not think of themselves as having a disability, or may not associate with a specific disability community. When you are aware of a person's preferences, defer to the person.

When in doubt, employees should treat all people with courtesy and respect. A person with a disability is just a kind of person!

# **Accommodations and Assistance**

Each person with a disability will require different kinds of assistance and accommodations. This Guide recommends that you defer to the person with a disability who is requesting assistance. People with disabilities are well aware of their own needs and will make their requests clear.

Under the ADA, you may require reasonable advance notice of a person with a disability's accommodations request. For example, you could require that a person with a disability request a sign language interpreter in advance of the event rather than on the same day. However, you must honor "walk-ins" to the extent you can and cannot impose unreasonable advance notice requirements. The ADA's Effective Communication guidance and Communicating Effectively with People with Disabilities resource have more information.

### **Employee Training Sessions**

Disability-related employee training is a growing field. Eddy lists <u>four types of disability training for</u> <u>employees</u>: disability awareness, training on assistive technology, legal or compliance training, and training on specific disabilities. There are many companies that offer paid disability training sessions that cover some or all of this content.

This Guide does not endorse any paid content. We do recommend longer training sessions that cover multiple types of disability, instead of short training sessions that cover "disability" as a general topic. TPGI provides some good general tips on how to create a plan for training your employees.

#### **Disability Rights Advocacy Organizations**

The best people to ask about disability etiquette, assistance, employee training, and accommodations are advocacy organizations, including the organizations that are <u>active members</u> <u>of the NCAV</u>. Advocacy organizations are experts in the disabilities of their members and constituents. Their staff may even have a disability themselves.

We also encourage you to review the Consortium for Constituents with Disabilities' <u>list of member</u> organizations. CCD is not related to the NCAV, but its members sometimes collaborate with us or attend our meetings as non-members.

# **Office Physical Accessibility**

All election agency offices are required to comply with Title II of the Americans with Disabilities Act. They must be physically accessible to people with disabilities. For a comprehensive Title II physical accessibility checklist, read the 2010 ADA Standards for Accessible Design and ADA.gov's accessibility resources for state and local government agencies.

## **Checklist for Providing In-Person Services to Voters**

Following our recommendations is not intended as legal advice and does not necessarily ensure nor is intended as a substitute for full compliance with federal or state law.

#### If your office has forms, pamphlets, and flyers available:

- Can people who cannot read or handle paper get access to the information or service on a paper form?
- Is the information or form available in a Braille booklet?
- Is the information or form scannable into a screen reader or assistive technology device?
- Is it available to a voter using an assistive communication (AC) device?
- Are employees trained to communicate with someone using an AC device?
- Are employees familiar with AAC etiquette? The Autistic Self Advocacy Network's "Inclusion of AAC Users: Best Practices" guide, the University of Montana's Etiquette Essentials guide, and AssistiveWare's article provide general advice.
- Can a voter fill out a form by speaking to an employee?
- Can an employee read the information on a form, pamphlet, or flyer to the voter?
- Are there plain language versions of forms, pamphlets, and flyers? Are there Easy Read versions?
- Can an employee explain the information on a form or pamphlet in simpler language?
- Is there a way for people with mobility disabilities to enter information on a paper form or to read information on a form without manipulating paper?
- Is voter registration from the office accessible? See the section "Registering to Vote."
- Are staff trained to assist voters who want to register to vote from the office?

#### On Election Day:

- Are accessible voting machines available at your office?
- Are staff trained to assist voters who come to the office to vote on Election Day?
- Are your employees trained to interact with and support people with disabilities? See "Employee Training."

# **Providing Information over the Phone**

If your office has a telephone line, people with disabilities may call it to request information on voting. This Guide section provides recommendations for providing accessible phone service to constituents with disabilities.

Disclaimer: Following our recommendations is not intended as legal advice and does not necessarily ensure nor is intended as a substitute for full compliance with federal law, including Title IV of the ADA or any other state or federal law.

# **Telecommunications Relay Services (TRS)**

Title IV of the Americans with Disabilities Act requires phone and Internet companies to create and maintain a TRS. The TRS allows Deaf, DeafBlind, DeafDisabled, Hard of Hearing, Late-Deafened, and people with hearing disabilities to make phone calls with interpreter support. Each relay service sounds and looks different. We recommend that you familiarize yourself with how TRS look and sound. The Federal Communications Commission (FCC) provides a list of the different TRS at: https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs.

**Do not hang up the phone the second you hear a robotic voice!** According to the FCC: "If you hear, 'Hello. This is the relay service...' when you pick up the phone, please don't hang up! You are about to talk, through a TRS provider, to a person who is deaf, hard-of-hearing, or has a speech disability."

Some people with disabilities may use video relay service (VRS) calls instead. The FCC explains how VRS calls work at: https://www.fcc.gov/consumers/guides/video-relay-services.

# General Tips for Accessible Service Over the Phone

Disclaimer: Following our recommendations is not intended as legal advice and does not necessarily ensure nor is intended as a substitute for full compliance with federal or state law.

- Be prepared to speak with people who use augmentative and alternative communication (AAC) devices. The Autistic Self Advocacy Network's "Inclusion of AAC Users: Best Practices" guide and the University of Montana's Etiquette Essentials guide both provide some advice that can be applied to phone conversations.
- Be prepared to speak with people who have cognitive, psychiatric or mental health, and intellectual and developmental disabilities. Good general tips and etiquette are available online. For example, Accessibility.com's article "Accessible Customer Service: Tips for Communicating by Phone with People with Cognitive Disabilities" and the University of Windsor's customer service brochure have good general advice.
- Be respectful and presume competence. Do not assume that the caller does not understand you. If a caller says they do not understand something you said, that may just mean you need to explain it differently. For example, you could explain it using words that are easier to understand. Let the caller know if you cannot figure out a way to communicate.
- If you do not understand what a caller said, say "I did not get that" or "Can you repeat that" or "Can you repeat \_\_\_; I understood the \_\_\_ part but missed \_\_ part." It is usually not rude to ask people with disabilities to repeat themselves. It is generally rude to tell someone "Never mind" when a breakdown in communication has occurred.
- If a person with a disability asks you whether something they said makes sense, let them know if it does or does not. Most people with disabilities are aware they have difficulty communicating. They are using this question to ask you if they are communicating clearly.

# **Appendixes**

# In the Appendix

- Federal regulations and guidance on voting and accessibility
- <u>Terminology</u>
- List of NCAV Member Disability Rights Advocacy Organizations

# Federal regulations and guidance on voting and accessibility

# Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973

All state and local election offices are covered by Title II of the Americans with Disabilities Act of 1990. Their "services, programs, or activities" cannot discriminate against people with disabilities.<sup>9</sup> Section 504 requires agencies that receive federal funding to not discriminate against people with disabilities.<sup>10</sup> Section 504 provides voters with similar rights to those provided by the ADA.

The U.S. Code is available through the U.S. Government Publishing Office (GPO)'s GovInfo website at: <u>https://www.govinfo.gov/app/collection/USCODE</u>. The ADA is in Title 42, Chapter 126 of the U.S. Code. Section 504 is in Title 29, Chapter 16, Subchapter V of the U.S. Code.

Both the ADA and Section 504 have regulations. ADA regulations for Titles II and III are available at: https://www.ada.gov/law-and-regs/regulations/. Many agencies have Section 504 regulations pertaining to their specific jurisdiction area. Election agencies should look to the Section 504 regulations issued by the federal agency that is funding the state or local government's activities, or the U.S. Department of Justice (DOJ), for specific guidance.

- The ADA's 2010 ADA Standards for Accessible Design describe requirements for physically accessible buildings. They are available at: <a href="https://www.ada.gov/law-and-regs/design-standards/">https://www.ada.gov/law-and-regs/design-standards/</a>.
- The U.S. Department of Justice (DOJ) provides resources and guidance on voting, including a checklist on polling place accessibility, at <a href="https://www.justice.gov/voting/accessibility-voting">https://www.justice.gov/voting/accessibility-voting</a>.
- The U.S. Access Board's Guide to the ADA Accessibility Standards is an excellent resource for physical accessibility. It is available at: <u>https://www.access-board.gov/ada/guides/chapter-1-using-the-ada-standards/</u>.
- The ADA National Network is an excellent general ADA resource: <u>https://adata.org/</u>.
- The Department of Justice released <u>final regulations on web accessibility</u> for Title II of the Americans with Disabilities Act in April 2024. This rule will require covered agencies to adhere to at least the Web Content Accessibility Guidelines (WCAG) 2.1.
- The Department of Justice updated its guidance on <u>voting rights and disability</u> in April 2024. The new guidance clarifies people with disabilities' voting rights, including their right to

<sup>10</sup> 29 U.S.C. § 794 (2022).

<sup>&</sup>lt;sup>9</sup> 42 U.S.C. § 12132 (2022).

assistance and right to be free of categorical disqualification from voting because of their disabilities or guardianship status.

# Section 508 of the Rehabilitation Act of 1973

Section 508 of the Rehabilitation Act of 1973 covers electronic and information technology accessibility. Federal agencies and agencies that receive federal funds must comply with Section 508. <u>Section 508.gov</u> provides covered agencies with detailed information and guidance.

# Help America Vote Act (HAVA)

HAVA, passed in 2002, provides many protections to voters with disabilities. Voters with disabilities must have the "same opportunity for access and participation (including privacy and independence) as for other voters."<sup>11</sup> HAVA resources can be found at: https://www.eac.gov/about/help\_america\_vote\_act.aspx.

# **EAC Resources**

The Election Assistance Commission (EAC) serves as a "national clearinghouse" of information on elections and election administration.<sup>12</sup> The EAC has a list of accessibility resources for election officials, including a webinar series, at <u>https://www.eac.gov/voting-accessibility</u>.

# National Voter Registration Act Of 1993 (NVRA)

The NVRA requires Departments of Motor Vehicles (DMVs) to offer voter registration. Public assistance offices and offices that primarily serve people with disabilities must do the same.<sup>13</sup> The NVRA is often called the "motor voter" law. The Department of Justice has a question-and-answer sheet on the NVRA at <u>https://www.justice.gov/crt/national-voter-registration-act-1993-nvra</u>.

# Voting Accessibility for the Elderly and Handicapped Act of 1984 (VAEHA)

VAEHA requires that polling places and voter registration be accessible to elderly people and people with disabilities.<sup>14</sup> The Department of Justice enforces this law and can be consulted on compliance.

<sup>14</sup> 52 U.S.C. § 20102, 20104 (2022).

<sup>&</sup>lt;sup>11</sup> 42 U.S.C. § 15481(a)(3)(A); Bazelon Center for Mental Health Law, Autistic Self Advocacy Network, National Disability Rights Network, Schulte Roth & Zabel LLP, and Akin Gump Strauss Hauer & Feld LLP, A Guide to the Voting Rights of People With Mental Disabilities 10-11 (2020) [hereinafter "Bazelon Mental Disabilities Voting Rights Guide"].

<sup>&</sup>lt;sup>12</sup> About the EAC, U.S. Election Assistance Commission, <u>https://www.eac.gov/about</u> (last visited 3/1/2024).

<sup>&</sup>lt;sup>13</sup> U.S. Dept. Justice Civ. Rts. Div., *The National Voter Registration Act Of 1993 (NVRA)*, <u>https://www.justice.gov/crt/national-voter-registration-act-1993-nvra</u> (last updated Jul. 20, 2022).

# Terminology

These are some terms we use in the guide to refer to people with disabilities or who work in elections.

- **"Election officials**" and **"election administrators**" are interchangeably used to refer to state, county, and local personnel who manage and oversee federal, state, and local elections. They are the main audience for this Guide; we refer to them as "you" throughout.
- **"Poll workers"** refers to election workers who help people vote, as well as manage and run polling places and voting centers.
- "Autistic people" refers to people on the autism spectrum.
- "Blind people, people with low-vision, and people with vision-related disabilities" refers to vision-related disabilities.
- "Deaf, DeafBlind, DeafDisabled, Hard of Hearing, Late-Deafened, and people with hearing disabilities" refers to people with hearing disabilities.
- **"People with cognitive disabilities**" refers to people with disabilities that affect the mind who do not have a developmental disability and do not have a psychiatric or mental health disability.
- "People with intellectual and developmental disabilities" refers to people with IDD. According to the National Institutes of Health's Eunice Kennedy Shriver Institute of Child Health and Human Development, intellectual and developmental disabilities (IDDs) are disabilities that are "usually present at birth and that uniquely affect the trajectory of the individual's physical, intellectual, and/or emotional development. Many of these conditions affect multiple body parts or systems." Some examples of IDDs are autism, cerebral palsy, Down syndrome, fetal alcohol syndrome, intellectual disability, and spina bifida.
- **"People with psychiatric or mental health disabilities**" refers to people with these disabilities.
- **"People with print disabilities"** refers to people whose disabilities make it hard or impossible for them to access or handle printed paper and text.<sup>15</sup>

<sup>&</sup>lt;sup>15</sup> Nat'l Disability Rts. Network and Am. Assoc. People with Disabilities, Making Voting Accessible to Voters with Print Disabilities 2 (Jul. 24, 2021), <u>https://www.aapd.com/wp-</u> content/uploads/2023/06/Making-Voting-Accessible-to-Voters-with-Print-Disabilities-1.pdf.

# List of NCAV Member Disability Rights Advocacy

# Organizations

#### International Cross Disability

• World Institute on Disability

National Cross Disability

- American Association of People with Disabilities
- National Association of Statewide
  Independent Living Councils (NASILC)
- Association of Assistive Technology
  Act Programs (ATAP)
- Association of Programs for Rural Independent Living (APRIL)
- <u>Association of University Centers on</u> <u>Disabilities</u>
- Disability Rights Education and Defense Fund (DREDF)
- National Council on Independent
  Living
- National Disability Rights Network
- <u>RespectAbility</u>

#### Regional Cross Disability

- <u>Center for Living and Working</u>
- Independent Living Center of the Hudson Valley
- <u>New Disabled South</u> (disability advocacy in Southern states)

#### Blindness and Low Vision

- <u>American Council of the Blind</u>
- <u>National Federation of the Blind</u>

Deaf, DeafBlind, DeafDisabled, Hard of Hearing, Late-Deafened, and People with Hearing Disabilities

National Association of the Deaf
 (NAD)

#### Mental Health/Psychiatric Disabilities

Bazelon Center for Mental Health Law

#### Physical Disabilities

- Paralyzed Veterans of America
- United Spinal Association

#### Autism

- <u>Autistic Self Advocacy Network</u>
- Autism Society of America

#### Intellectual and Developmental Disability

- <u>National Association of Councils on</u> <u>Developmental Disabilities (NACDD)</u>
- <u>Self Advocates Becoming Empowered</u> (<u>SABE</u>)
- The Arc of the United States

#### Natural Disasters and Disability

• The Partnership for Inclusive Disaster Strategies