

Voting EO - Stakeholder Engagement Listening Session w/ Voting Rights Advocates – July 12, 2021

Justin Levitt – opened session & led introductions

Jesselyn McCurdy – LCCHR. Many of our voting rights task force members will be presenting today.

1. Keeda Haynes (Sentencing Project) – will be focusing remarks on incarcerated people. Discussing Sec. 9 of EO

-eligible voters who are incarcerated have been left out of voting.

-4000 DC residents are in federal custody across the country. DC Bd. of elections has sent voter registration forms to 2400 people.

-people in pretrial custody also have the right to vote.

-Marshall Project report released a couple of weeks ago about voting rights restoration

-Questions: who is overseeing implementation process at BOP? Is there a process at BOP to notify newly eligible voters of their right to vote?

Ideas:

- BOP could provide voter registration form in A&O training (orientation training).
- Could also create program statement about voting and create grievance process if facility doesn't conform.
- BOP identification could be used for voter registration.
- Could pass out info at mail call.
- Case managers can give voting info and discuss it – include this at progress report (when inmate gets driver's license and social security card).
- Partner orgs could come in and do pre-release classes to provide info.
- Could create facility coordinator – this person would have to be trained to overcome BOP apathy.
- Civics classes as part of pre-release classes.
- Where there is a concentration of eligible voters (for ex, facility in West VA w/ lots of DC residents) – could provide in-person voting options, such as voting machines. Puerto Rico does this, which leads to higher participation.
- BOP is responsible for DC and Puerto Rican residents to participate as well.

-felony disenfranchisement is voter suppression. We would welcome opportunity to continue to assist with these proposals.

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-we'd welcome the opportunity to partner with BOP on best practices. Who is the team to contact, and what implementation steps have been taken?

3. Dana Paikowsky (Campaign Legal Center)

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-we developed a few recommendations. We heard back from BOP and were excited.

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4. Terry Minnis (Asian Americans Advancing Justice)

-primary focus is eliminating hurdle of language barriers. Almost ¾ Asians speaks a language other than English at home; 2/3 are LEP

-Agencies should be looking to provide in-language materials. EAC provides lots of info in-language.

-Agencies should be aware of section 203 coverage. Next set of determinations will be made in December, and EAC should update those materials accordingly.

-We support directive to translate vote.gov. It has to be easily accessible to voter that there is an in-language version. Translation must be done at average reading level with colloquial understanding. Has to be a human component of the translation process – not just google translate.

-Make voter registration info mandatory at naturalization ceremonies

5. Ryan Suto (Arab American Institute)

[He was not available]

Terry Minnis

-Ryan is interested in expanding beyond section 203 languages – no need to restrict efforts to only those languages. There are other communities with the same need. Agencies should look at Census data and understand where there are needs for other language assistance

6. Jose Morales (Fair Fight Action)

- based on experiences last year and this year, there are many new ID requirements
- Question: is your agency prioritizing opportunities for helping people to fill out voting forms/vote by mail ballot and copy their ID? Many people don't have access to copiers/printers. People also don't want to mail copies of their IDs for identity theft/scam concerns. Logistical support could really help
- fast growing communities speak other languages. Getting them those ballot request forms and ID copying capabilities really matters
- Federal employees – let them take the day off to vote and help the machinery of election workers. There is an assault on our election workers.

7. Michelle Bishop (National Disability Rights Network)

- 40 Million eligible voters with disabilities
- Drop boxes are great. Pushback is happening across states. Affirming right to use a drop box would help. This was done on the fly in 2020, and sometimes they were designed inaccessibly or placed on inaccessible pathways. Local election officials are not going to be really well-versed on ADA. How standards apply to drop boxes would help. Guidance from DOJ, EAC, or US Access Board would be great
- Concerned with having “at least one” accessible voting spot per polling place (requirement of HAVA). That's a minimum. But 1 is insufficient. We have worked to get that changed in HAVA. Guidance that would create a formula for the appropriate number of accessible spots you need given the number of people voting there, etc. would be very helpful as a guideline for local voting officials.
- Access to vote for people in long-term care facilities. We would love to see more guidance on this. Responsibility of staff to assist any eligible and registered voter. Staff cannot make determination of competency – a Court has to be involved in that.
- Agencies need to bring people with disabilities into every part of the process. Must hire to embed people with disabilities in all levels of government. This is particularly true with EAC and political appointees at DOJ.

8. Rachita Singh (American Assoc. of people with Disabilities)

- Michelle mentioned ADA, HAVA, and accessibility at polling places. These are not enforced as much as they could be. We need more enforcement.
- Happy to see AG's commitments for VOT section of CRT, we need the same commitment for DRS
- enforcement of ADA at polling places. States have used ADA requirements as a reason to close down polling places. Inaccessible places can use accommodations like curbside voting – but states are cutting

back on this. Should not use ADA to disenfranchise voters, especially in communities of color. Local jurisdictions need guidance

- web accessibility: modernizing vote.gov. State websites are not accessible, provide confusing info, and make it difficult to find info about exactly what is needed to vote. Community of people with disabilities have particular questions that really matter – like how to vote under guardianship, etc.

- vote by mail is very important. We'd like a federal standard. Postage should be included. That reduces barriers to casting a ballot.

Justin Levitt

- PSA: WH stays out of enforcement actions of agency partners!

9. Samantha Kelty (Native American Rights Fund)

- no other racial or ethnic group faces the obstacles to voting that Native American voters do

- we are participating in section 10 consultations

- many ways for federal agencies to promote voting

- lots of federal agencies located on reservations. They could assist with voter registrations, or work with third parties or states to register voters.

- food distribution sites could be helpful, as could service sites for children and families, like head start, Bureau of Indian Education.

- Ballot drop boxes are important to have on/near reservations. Must be advertised and consistent.

- polling locations on or near reservations matter.

- polling places are closing b/c they are not ADA compliant.

- USPS – equitable mail delivery is more important than ever. Point person or task force at USPS would help. Hours of USPS are severely reduced. Distance is the number 1 problem for post offices and drop boxes. Many tribes don't have an address system. Mail is very slow.

- DOJ – want to reach out for help with voter intimidation, especially in border towns. Want annual consultation with tribes about voting issues. We need help with redistricting. Vote dilution is just as important as vote denial.

10. Celina Stewart & Jessica Jones Capparell (Legal of Women Voters)

Jessica:

-Expanding voter registration through all agencies that provide public assistance is important. Make an “opt-out” instead of an “opt-in” system. Federal govt should advance digital offerings to reach more people.

-Want you to create partnerships with state agencies to fully implement NVRA.

-HHS, VA, Citizenship and Naturalization Services, Indian Health Services – all good candidates.

-Internal offerings with employees: when apply for federal government job, register to vote, too

-Should register people at citizenship and naturalization ceremonies.

Celina:

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-Biden put out statement right after case came down. We have to leverage DOJ re: VRA and NVRA compliance. DOJ was absent in last administration. We hope there is a push to be more present.

-Work with legislative branch to provide guidance on enforcement. Legislative branch and executive branch must be aligned.

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Sarah:

-state governments can designate federal government agencies to be voter registration agencies – glad to see this expanded.

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-Question for HHS: what kinds of things have you been thinking about?

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- HUD: consider integrating voter registration into public housing, requiring public housing authorities to include this. FHA lenders could offer voter registration as part of the process. Housing counselors, too. Service coordinators of multifamily housing. Neighborworks America would be a good candidate too. Public and Indian housing programs.
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- Immigrants and noncitizens – we support voter registration efforts. We also want to make sure that they are done in a careful way. All fed employees must be well trained in this. Need to trust people are acting in bounds of the law. Especially when there are language issues.
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