



September 10, 2025

U.S. Election Assistance Commission  
633 3rd Street NW, Suite 200  
Washington, DC 20001

### **Re: Voluntary Voting System Guidelines 2.1**

The National Coalition on Accessible Voting (NCAV) submits this open letter to the US Election Assistance Commission (EAC), National Institute on Standards and Technology (NIST), and Technical Guidelines Development Committee (TGDC) to support continued improvements to the Voluntary Voting System Guidelines (VVSG) through an open and transparent process garnering input from all stakeholders, including people with disabilities, and development of guidelines for voting systems that support more accessible voting for all eligible Americans.

The NCAV is a coalition of more than twenty disability and civil rights organizations. Our mission is to maintain and expand voting access for people with disabilities. The NCAV supports federal, state, and grassroots efforts to ensure accessibility in every aspect of the voting process, including receiving, marking, verifying, and casting of ballots. The NCAV provides voters with accessible resources on their voting rights via public statements and social media. The NCAV also provides comments on voting rights issues of concern to our members.

### **Barcodes and QR Codes**

There has been extensive discussion in recent meetings of the TGDC concerning use of barcodes and QR codes on ballots following the [President's Executive Order on Preserving and Protecting the Integrity of American Elections](#). It is important to note in this discussion that barcodes and QR codes are not intrinsically accessibility features on ballots. Rather, they were intended for quick and effective ballot tabulation. Admittedly, barcodes and QR codes have also been used as one solution to making the ballot verification process accessible for voters with print disabilities, allowing them to scan the

code to have a ballot read back to the voter seeking to confirm that it has been marked as intended.

While barcodes and QR codes have been useful as a verification mechanism, they have also raised concern in the disability community. A voter who uses a code reader to verify the ballot is only verifying what is encoded, not the human readable text that is also included on the page. This distinction becomes critical when we consider what is deemed the ballot of record in different jurisdictions and different counts. On its face, the voter is verifying the code that will be used for tabulation and effectively verifying that what the tabulation scanner will read matches the voter's intent. However, if the human readable text is considered the official ballot of record or used for recounts, audits, or certification of results, the voter is unable to privately and independently verify the human readable text with a code reader. As an accessibility feature, code readers are not equivalent to use of optical character recognition or any other method that allows the voter to verify human readable text with full privacy and independence. Barcodes and QR codes are not the most effective method of providing verification, and allowing their use only on ballots created by people with disabilities (as stated in the Executive Order and proposed VVSG 2.1) makes our ballots distinguishable from the ballots of other voters, threatening the secrecy of our ballots.

The goal for the disability community is not use of codes; it is private and independent verification of the ballot of record. Nor are elections technology developers committed to code use, as they have indicated in TGDC meetings that they are moving away from the use of codes. Barcodes and QR codes are one tool for achieving accessibility, not an end goal.

*We do not oppose banning encoding of vote selection in barcodes or QR codes on all ballots for all voters. We require that voters with disabilities will have an effective method to verify the printed vote selections on the ballot of record privately and independently and that our ballots will not be different in appearance from other voters' ballots.*

## **Paper Ballot Mandate**

The other issue of significant discussion at recent TGDC meetings, also addressed in the [President's Executive Order](#) is the shift to an absolute paper ballot mandate in VVSG 2.1. To be exceedingly clear, *paper ballots are not and never have been accessible*. Paper can only be made reasonably accessible by converting it into non-paper form, specifically digital media. Voters with disabilities must be able to *receive, mark, verify,*

*and cast their ballots with full privacy and independence.* This is a legal standard that cannot be abridged by competing interests. The EAC, NIST, and TGDC are obliged to create standards that support this level of accessibility for people with disabilities, and thus, not to mandate or openly provide preference to the use of paper ballots and voting systems that segregate voters with disabilities based on paper ballots.

Yet, the current VVSG does exactly that. The sheer lack of interest in developing end-to-end verifiable systems at all, let alone those that are not used on top of paper voting systems, and the requirement for software independence realistically ensure the use of paper ballots. The EAC recently took this one step further with a public memo confirming the agency's support for paper ballots, minimizing accessibility concerns. A concerning development.

Language in the VVSG that allows for voting solutions not based in paper are essentially a verbal loophole that allows the EAC and VVSG to maintain a public image of supporting accessibility while requiring inaccessible paper ballot systems in practice. Current VVSG certified voting systems are largely failing people with disabilities.

*Given that the VVSG currently supports a mandate for paper ballots, despite opposition by the disability community, the current VVSG must be revised and any future iterations written to explicitly create standards that cannot be misinterpreted in the testing and certification process for how paper ballots can be made accessible for people with disabilities, giving all voters the ability to receive, mark, verify, and cast their ballots with full privacy and independence.*

## **VVSG vs. ADA Accessibility**

Voting devices which conform to VVSG standards should absolutely be identified as such. Many states adopt the VVSG as a requirement for their voting systems, and the VVSG certification through the EAC guides their decisions. However, no voting devices should be in any way labeled or certified as complying with the [Americans with Disabilities Act \(ADA\)](#). Use of the ADA as a standard or certification type is legally inappropriate. There are no specific standards under the ADA for voting systems. Although there may be some general accessibility standards concerning operable parts that could potentially apply to voting devices, the [ADA Accessibility Guidelines \(ADAAG\)](#) were not written to be used for this purpose.

The US Department of Justice (DOJ) has developed a [checklist for the accessibility of polling places](#) and enforced ADA compliance as it applies to polling places, but not to

the voting technology itself. While it is entirely possible for an elections administrator to use the DOJ to survey a polling place for architectural accessibility and describe it as ADA compliant, the same cannot be said of ballot-casting technologies. Even in the DOJ's enforcement actions and settlement agreements around access to voting, the focus lies with architectural access to polling places. While the DOJ's 2019 [settlement agreement with the City of Concord, NH](#) is arguably the closest comparison. This settlement requires use of accessible voting devices in non-federal elections, but it does not describe what features or equipment constitute an accessible voting device.

ADA compliance is a legal standard, and failure to meet it can and does result in litigation. ADA compliant cannot be used casually to suggest that a device can be used by people with disabilities when there is no set of requirements by which a voting device can be tested and found to be ADA compliant. Using terms like "ADA compliant" is, at best, misleading to elections administrators by suggesting that use of a particular device will protect them from, or provide a defense to, future enforcement actions. It will not. The term, therefore, should be avoided where there are no technical standards against which the accessibility of a device can be evaluated.

While the NCAV respects the dedication and expertise of our nation's elections administrators we understand that they do not typically have the in-house expertise to understand that a total voting system that is labelled as "accessible" or "ADA compliant" or even "VVSG or EAC certified" does not mean that every device included in that system is actually accessible. We also do not expect elections administrators who operate in a high-pressure environment on insufficient budgets to have the capacity for this level of expertise. Rather, they should be able to rely on agencies like the EAC to help them navigate selection of a voting system. If a "voting system" that constitutes the full menu of offerings from a manufacturer/vendor is labeled with any of these terms, we cannot expect elections administrators to understand that any particular device they purchase may not include all the available accessibility features. Systems that are "EAC or VVSG certified" must also distinguish between devices that include all available accessibility features and those that do not. Failure to provide this level of detail is irresponsible and has consequences for elections administrators that open themselves up unknowingly to legal consequences and voters with access needs that will go unmet.

Beyond the use of ADA compliant, "accessible" is a term that suggests legal enforceability. We recommend the EAC, NIST, TGDC, elections administrators, and elections technology manufacturers avoid referring to any technologies as "accessible" or "fully accessible," as this is unlikely for any one technology to meet the needs of all people with disabilities in all circumstances. Technologies can be designed to increase, improve, or enhance accessibility, but "full accessibility" is a complex goal and not even

the NCAV would feel comfortable using this label. While it may be difficult for members of the TGDC to believe that elections administrators would not understand the equipment they are purchasing well-enough to distinguish between VVSG compliance and accessibility and deploy equipment properly, it should be noted that TGDC members are better informed than many elections administrators who rely on bodies like the TGDC to supplement their capacity. In our experience, many elections administrators make these mistakes routinely.

*The EAC, NIST, and TGDC create and test to the VVSG and should not in any way suggest that voting devices are more than simply certified to the VVSG. The [Certificate and Scope of Certification](#) and other EAC materials must be amended to eliminate all references to the ADA. Instead, certifications can identify voter facing device(s) within a voting system that meet all of the VVSG access standards for ballot marking, verification, and casting and state in the certificate that such device(s) “meets all VVSG accessibility requirements.” The EAC, NIST, and TGDC have no authority whatsoever under the Americans with Disabilities Act and should not give the impression that they do.*

## **What Constitutes a “System” and Defining Terms**

The EAC, NIST, and TGDC must also be clear what constitutes a “system.” The term is often used interchangeably to refer to an individual voting device, a full smattering of devices offered by a manufacturer with various degrees of individual accessibility, and even methods of voting (in person, by mail, online, etc.). Casual, interchangeable use of terms only serves to generate confusion about what is and is not within the scope of the VVSG and what is and is not designed to be more accessible for people with disabilities.

If a full voting system, as in the full set of devices tested and offered by a manufacturer, is labeled as VVSG certified, it should be clear that purchasing and implementing those devices in any configuration does not constitute accessibility for people with disabilities. Purchasing only the less expensive devices with fewer accessibility features ensures VVSG certification but does not provide access for people with disabilities. Focusing on hand marking of paper ballots or deployment of less accessible, less expensive equipment with only one more accessible device for people with disabilities provides a questionable level of accessibility and segregates voters with disabilities.

In addition to concerns about overly broad use of “accessibility” above, it should also be noted that “assistive technology” has a specific meaning that should be defined and not

confused with “accessibility features” that should be built into ballot casting devices. Use of these two terms should be corrected in the VVSG 2.1 and defined in writing to prevent further confusion.

*Terms like “system” and “accessible” should be defined in relation to the VVSG (not the ADA) to clarify how they are used by the EAC, NIST, and TGDC. Use of “assistive technology” should be struck from the VVSG where inappropriate.*

## **Section 508 References**

Section 508 is referenced frequently in the VVSG and VVSG 2.1 proposed revisions, suggesting state and local election officials are covered entities when they are not.

Section 508 of the [Rehabilitation Act](#) only applies to federal agencies and mandates they ensure their electronic and information technology (EIT) is accessible for people with disabilities, including websites, software, hardware, electronic documents, and other technologies used by the federal government. As such, Section 508 applies to all federal agencies when they develop, procure, maintain, or use EIT. It does not apply to state and local entities that receive federal funding.

However, [Title II of the ADA](#) requires state and local governments to make sure that their services, programs, and activities are accessible to people with disabilities, including the services, programs, and activities that state and local governments offer online and through mobile apps. In 2024, the DOJ published a rule updating its regulations for Title II of the ADA. According to the rule, WCAG Version 2.1, Level AA is the technical standard for state and local governments’ web content and mobile apps. While more limited in scope than Section 508, the DOJ adopted technical WCAG standards do directly apply to state and local election offices and where appropriate those should be referenced in VVSG rather than Section 508. If Section 508 is cited in VVSG standards, it must be clear such reference does not imply direct application to state and local election officials.

*All uses of Section 508 standards by the EAC, NIST, and TGDC should account for Section 508’s scope being limited to the federal government and lack of application to state and local elections administrators. Reference to the ADA standard of WCAG 2.1 AA compliance can be reference where appropriate, although not legally enforced by the EAC, NIST, or TGDC.*

## The VVSG 2.1 Process

The disability community came forward during the most recent public comment period to address that the process for drafting and potentially voting on VVSG 2.1 has been deeply problematic. The draft of VVSG 2.1 appears to have been developed without sufficient transparency and deliberation. In fact, although [the cover page of a recently circulated VVSG 2.1 draft](#) says the document was “Prepared by the Election Assistance Commission at the direction of the Technical Guidelines Development Committee,” public meetings of the TGDC have made it clear that the majority of the TGDC actually did not provide such direction, appearing as surprised as the general public.

Additionally, updates to the VVSG are governed by the Help America Vote Act (HAVA) and EAC policy, which are designed to ensure that the VVSG reflects the input of important stakeholders. But the draft of VVSG 2.1 appears to have been developed without sufficient transparency and deliberation, and TGDC meetings are speeding toward a vote that the members have resisted, given the lack of full stakeholder representation. Thus, in considering the draft of VVSG 2.1, neither the TGDC nor the EAC will have had the benefit of the robust stakeholder input that the legislation and EAC rules contemplate. The rush to consider the draft of VVSG 2.1, the lack of transparency about how the draft was created, and the lack of public input regarding the draft, are additional reasons for the TGDC not to approve the draft. There are very good reasons why thorough, meticulous, and transparent stakeholder input and guidance is required—technical decisions can cause huge voting reverberations across the country for all voters, but especially those with access needs.

Several members of the TGDC have referenced in public meetings the need to fill all vacancies on the TGDC before moving forward with VVSG 2.1. In particular, there are two vacant seats on the TGDC that should be filled by the US Access Board, creating a lack of representation and robust input from the disability access community. A federal agency should by no means make decisions that impact access for voters with disabilities without taking the time and creating the opportunity to garner input from people with disabilities and access experts. The lack of representation has become increasingly apparent as EAC and TGDC representatives speak on behalf of a community they do not represent and make unfounded claims, including that people with disabilities would not want the voting devices with enhanced accessibility features labeled for that purpose. The NCAV is unaware of any instance in which voters with disabilities have ever expressed such a concern. Labelling a device that is designed for enhanced accessibility as such does not create stigma or barriers, putting that device in a corner separate from other voters, failing to maintain it properly, refusing to train poll workers to operate it, and forcing voters to advocate for their right to use it does.



*The EAC, NIST, and TGDC must slow down to allow for comprehensive, transparent, and thoughtful input from stakeholders across the country, and further consider the serious issues with the current draft of VVSG 2.1.*

We thank the EAC, NIST, and TGDC for considering the concerns of the disability community. For more information on the NCAV and our positions on VVSG 2.1, please contact Stephanie Flynt McEben at [stephanie.mceben@ndrn.org](mailto:stephanie.mceben@ndrn.org). The NCAV also has a representative on the TGDC, Diane Golden, who is prepared to speak to these issues.

Thank you,

National Coalition on Accessible Voting