Chairman Verrelli, Vice-Chair Swain and members of the State and Local Government Committee:

Thank you for the opportunity to submit this testimony.

My name is Micauri Vargas, and I am an Associate Counsel of the Democracy and Justice Program at the New Jersey Institute for Social Justice (the “Institute”). The Institute uses cutting-edge racial and social justice legal advocacy to empower people of color by building reparative systems that create wealth, transform justice and harness democratic power—from the ground up—in New Jersey.

The Institute submits this testimony in support of A4746, which requires the availability of an accessible mail-in ballot for voters with disabilities. It would make voting vote by mail more accessible to voters with disabilities as it permits “electronic return eligible” voters to return their mail-in ballot by electronic means.

Currently, the law offers electronic delivery of the ballot, which is very important for accessibility, but it does not offer electronic return, which means that the ballot has to be printed. If it has to be printed, it becomes paper, which is not accessible to people with visual or dexterity impairments. To have a fully accessible system, it needs to have electronic return.

Voters with disabilities often face barriers that other voters do not. Recent research from Rutgers shows that having inaccessible voting options affects turnout particularly for Black and Brown voters with disabilities. In 2020,
42.3% Black voters with disabilities, 49.4% of Latino voters with disabilities, and 35.2% white voters with disabilities did not turn out to vote because of ballot inaccessibility.¹

We have seen recent examples of how voters with disabilities here in New Jersey face issues. Voters with disabilities in Newark faced issues in last year’s May municipal elections as “longtime polling places that had been familiar, convenient and accessible to voters, [were moved] to new locations . . . [that] were inaccessible to people with disabilities.”² This problem prompted the City of Newark to file a lawsuit against local and county election officials to ensure that the subsequent primaries and city council runoffs were accessible to voters with disabilities.³

While expanding vote by mail to include electronic return may raise some election security issues for some, states like Colorado, successfully use electronic delivery and return for eligible voters.⁴ In New Jersey, military voters overseas can email or fax their ballots to county board of election before sending their original ballot materials by air mail.⁵ As such, there is precedent of electronic delivery and return of the mail-in ballot as it is already being done in places like Colorado and in certain cases in New Jersey.

A4746 is necessary legislation. The Americans with Disabilities Act requires that states make their elections accessible to people with disabilities.⁶ Also, since there is currently no state law requiring accessible vote by mail system, advocates must ask the Division of Elections to make it accessible each year. The requested change is granted very last minute, and people end up not knowing that they can request it. And because the election system changes each year depending on who the Division contracts with for a particular election, there is no consistency on how accessible ballots are made available to voters with disabilities. It is imperative for us to remove these needless barriers for voters with disabilities. A4746 is the next step to strengthen our democracy. We urge you to pass this bill out of committee.

Thank you.

³ Id.