

6/27/2025

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

RE: Public Comment on Draft VVSG 2.1

To the Commissioners of the U.S. Election Assistance Commission,

On behalf of the Center for Racial and Disability Justice (CRDJ) at Northwestern Pritzker School of Law, we write to express grave concerns regarding the development and content of the draft Voluntary Voting System Guidelines (VVSG) 2.1. We are deeply alarmed by the procedural irregularities in the drafting process, the potential harms to disabled and marginalized voters embedded in the current revisions, and the troubling alignment of this process with Executive Order 14248 (Preserving and Protecting the Integrity of American Elections)—which further compounds these concerns.

- Failure to comply with federal process requirements
- Harms embedded in the draft
- Misalignment with disability rights law and principles

FAILURE TO COMPLY WITH FEDERAL PROCESS REQUIREMENTS

Updates to the VVSG must comply with the Help America Vote Act (HAVA) and EAC policy, which explicitly require the involvement of key stakeholder bodies, including the Technical Guidelines Development Committee (TGDC), Standards Board, and Board of Advisors. These statutory guardrails exist to protect the integrity, transparency, and inclusivity of the standards-setting process.

Yet, VVSG 2.1 was developed without convening these bodies in advance, violating both the spirit and the letter of federal law. The draft appears to have been developed outside the full public record, and its release was delayed and opaque, limiting public understanding of its origins and undermining the opportunity for meaningful engagement.

This lack of transparency is especially harmful to disabled voters, who are already systematically underrepresented in civic decision-making spaces, and to organizations like ours that bring both technical expertise and lived experience to questions of accessible voting.

HARMS EMBEDDED IN THE DRAFT

Several provisions in the draft VVSG 2.1 would disproportionately harm disabled, low-income, and multiply marginalized voters, including:

Proposed elimination of QR codes and barcode-based tabulation would jeopardize many ballot-marking devices currently used by disabled voters. These systems allow for independent and private voting experiences, including audio output and screen readers for blind voters.

Emphasis on paper-only verification mechanisms ignores the fact that paper is not universally accessible. Voters who are blind, have low vision, or experience limited dexterity cannot verify paper ballots without assistance, eroding their autonomy and privacy.

Accelerated re-certification timeline (e.g., within 180 days, as encouraged by the Executive Order) risks widespread disenfranchisement by incentivizing jurisdictions to prioritize compliance over accessibility. Under-resourced communities will face immense pressure to adopt “compliant” but inaccessible technologies or revert to paper-only systems that exclude disabled voters.

There is no indication that the draft underwent usability testing with marginalized communities, limited-English proficiency (LEP), and low-literacy voters. Nor does it include binding mechanisms to ensure states uphold the accessibility principles already outlined in VVSG 2.0.

MISALIGNMENT WITH DISABILITY RIGHTS LAW & PRINCIPLES

The draft VVSG 2.1—and the rushed process by which it is being advanced—places the EAC at risk of violating:

- **Section 508 of the Rehabilitation Act**, which mandates accessible electronic and information technology;
- **Title II of the Americans with Disabilities Act (ADA)**, which prohibits discrimination by public entities;
- The **EAC’s own standards**, which call for broad participation and transparency.

Moreover, aligning VVSG revisions with a partisan Executive Order—one that weaponizes fears about election integrity while sidelining disabled voters—further undermines public trust and erodes the legitimacy of this process.

RECOMMENDATIONS

We respectfully urge the EAC to:

- Immediately pause the current VVSG 2.1 process and recommit to the full public engagement process required by HAVA.

- Reconvene the TGDC, Standards Board, and Board of Advisors for genuine deliberation and stakeholder input.
- Extend the public comment period to a minimum of 90 days and host accessible listening sessions, including one centering disabled voters and election accessibility experts.
- Commission an independent impact analysis to assess the accessibility and equity consequences of proposed changes.
- Affirm that security and accessibility are not mutually exclusive, and ensure that no voting system certified under VVSG 2.1 excludes voters based on disability, language status, or access needs.

CONCLUSION

The right to vote privately, independently, and securely must be guaranteed to all voters, including those of us with disabilities and from marginalized communities. The current approach to VVSG 2.1 undermines that right and jeopardizes decades of progress in accessible voting.

We urge the EAC to uphold its obligations under HAVA, the ADA, and the principles of disability justice by halting the current draft process, restoring transparency, and ensuring full participation of disabled stakeholders. We stand ready to assist in re-centering this process around equity, accessibility, and public trust.

If you have any questions, please feel free to contact Dr. Kate Caldwell at kcaldwell@law.northwestern.edu.

Sincerely,

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