

## Explaining Recent Changes to Voting Policy: What's Going On With Voting Right Now, and How Does It Impact Disabled Voters?

On March 25, President Trump issued an Executive Order (EO) titled [“Preserving and Protecting the Integrity of American Elections.”](#)

This EO proposes many changes to how our elections work, including voter eligibility, maintaining voter registration lists, vote-by-mail processes, which voting machines can be used, and who is responsible for managing elections. AAPD is highly concerned that if any aspects of this EO go into effect, voters with disabilities and other marginalized communities will be disproportionately harmed. Already, [disabled voters face increased challenges in accessing their right to vote because of policies and practices](#) that make voting difficult. **The policies in this Executive Order are voter suppression tactics – policies that make it harder for many Americans to vote.**

This order comes at a time when Congress is actively considering similar voter suppression laws, such as the SAVE Act. If passed, the SAVE Act would require people to provide documented proof of citizenship in person when registering to vote and updating their voter registration, such as after a move. The SAVE Act would also make it harder for women who changed their last name after marriage

Millions of voters do not have access to documents that would sufficiently meet the requirements that qualify as “documentary proof of citizenship,” such as U.S. passports. People with disabilities, older adults, and people of color may be especially unlikely to have access to these documents. The requirement of needing to go in person would make voter registration difficult or impossible for many disabled voters who do not have access to accessible transportation, are living in congregate settings, are immunocompromised and cannot go into many public spaces, or for whom the election office may not be accessible. Additionally, the in-person requirement would make it extremely difficult for individual organizers, coalitions, and organizations to host successful voter registration drives. This would lead to communities already excluded by get-out-the-vote efforts being further neglected.

AAPD urges members of the disability community and our allies to [contact their U.S. Representatives and Senators to tell them to vote “no” on the SAVE Act](#). In response to the Executive Order, AAPD recommends that community members reference the explainers and talking points outlined below. AAPD will monitor this Executive Order's legal challenges and effects and share opportunities for action with our community.

## **What is an Executive Order?**

An Executive Order is a written order from the President of the United States regarding government policy and management. The current President can amend or undo the Executive Orders of previous presidents. When a new president takes office, it is typical that they issue many Executive Orders to begin enacting their agenda. Executive Orders are each assigned a number and typically describe broad policy goals and values, then direct federal departments to take specific actions to implement those policies and values.

**Executive Orders do not overrule or supersede laws ratified by Congress.** While an Executive Order is enacted without congressional approval, it cannot erase existing laws, force government agencies to take illegal action, or go against current regulations and statutes. Lawsuits can challenge Executive Orders.

## **Does The President Have the Power to Change Election Law With an Executive Order?**

**The President has no constitutional authority to change election laws.** The Constitution gives that power to the states and Congress. Furthermore, this EO directs the Election Assistance Commission (EAC) to make many proposed changes. The President does not have the power to direct the EAC, which is an independent, bipartisan agency.

It is important to note that if this EO does change the voting process, these changes will not happen immediately. Lawsuits can challenge Executive Orders, and this EO will likely face legal challenges. However, this EO may still have an immediate impact because it will likely cause confusion and fear among election officials and voters.

## **What Does the Elections Executive Order Say?**

**Requires proof of citizenship to vote:** The EO proposes requiring documentary proof of U.S. citizenship for voter registration. This change would mean that in order to register to vote or even update your voter registration, you would have to show additional documents that prove you are an American citizen. If this were the law, only a few types of documents would be allowed, such as passports. Many common documents would not be accepted; for example, birth certificates are not listed as acceptable documents.

### **What to Know:**

- Millions of American citizens do not have access to the documents required by this law, which means that millions of eligible voters would not be able to participate in our democracy. Disabled people, older adults, voters of color, and voters who may have changed their names, like people who take their spouses' names when they get married, are less likely to have these documents or have up-to-date documents.

- A [recent survey](#) found that 20% of people who self-identified as having a disability do not have a current driver's license, with another 9% having a license but without their current name and address. For people without disabilities, around 6% did not have a license, and 13% did not have a license with their current name and address.
- The last [federal court case](#) that considered a state's law requiring documentary proof of citizenship for voter registration found that this policy violated the US Constitution's Fourteenth Amendment Equal Protection Clause.
- A similar requirement was [recently passed in New Hampshire](#), resulting in multiple eligible voters having to jump through extra hoops and, in several cases, being unable to vote at all.
- This policy's supporters say it is a way to prevent voter fraud. However, noncitizens voting in federal elections is extremely rare, and the process is already heavily monitored.

**Changes in vote-by-mail procedures:** The EO proposes that mail-in ballots that arrive after Election Day, even if they are postmarked with an earlier date, cannot be counted.

#### **What to Know:**

- [Eighteen states, Puerto Rico, the Virgin Islands, and Washington D.C.](#) accept a mailed ballot if received after Election Day, as long as it was mailed on or before Election Day.
- This is important because the United States Postal Service sometimes has delays that are not the voters' fault. Sometimes, it may even take extra time for the ballot to reach the voter before they can fill it out and mail it back to cast their vote.
- People with disabilities are more likely to vote by mail than non-disabled voters, and because of this, more disabled voters would be at risk of having their vote not counted than non-disabled voters.
- While it may be tempting to want to be able to know the results of an election faster, we must count every vote. Taking time to make sure every vote is counted means that our system is working.

**Changes voting machine types and certification processes:** The EO wants to limit the types of voting machines that polling locations are allowed to use and proposes that the Election Assistance Commission (EAC) re-certify all voting systems. The EO notes an exception for accommodating people with disabilities. The EO also requires that all voting methods have a "voter-verifiable paper record."

#### **What to Know:**

- The EAC and state election officials already go through many different processes to test voting machines and make sure machines are secure, accessible, and can be used easily and privately.

- While the EO notes that exceptions for voters with disabilities should be made, singling out how one population votes would threaten the privacy of disabled voters' ballots and segregate disabled voters.
- Current law requires polling places to have [at least one accessible voting machine](#). Already, disabled voters frequently face issues casting their ballot when the machine is not correctly set up, poll workers do not know how to use the machine, or if the machine breaks down and there is no other accessible way for them to cast a ballot. If the use of voting machines is further discouraged or limited through this Executive Order, these issues will increase and prevent people from accessing their right to vote.
- Requiring paper ballots would also end voting system innovation, prohibit the current uses of some Direct Recording Electronic (DRE) voting machines, and prohibit electronic ballot delivery and return. DREs provide the most accessible option for voters with disabilities to vote privately and independently. Electronic ballot delivery and return make absentee voting accessible for disabled people and allow uniform and overseas voters to participate in elections—even astronauts at the International Space Station can vote this way.
- The EO describes voter-verifiable paper records as a necessary way for voters to check their ballots, but paper ballots are not accessible to some voters with disabilities, particularly individuals who are blind, have low vision, have difficulty reading or understanding print, or cannot physically hold their ballots.

**Attempts to direct an independent bipartisan entity:** The EO directs the Election Assistance Commission (EAC) to carry out and enforce the administration's proposed policies.

#### **What to Know:**

- What is the Election Assistance Commission (EAC)?
  - The [EAC](#) was created in 2000 through the Help America Vote Act (HAVA). It is independent and bipartisan. The EAC has four commissioners, who are nominated by the president and confirmed by the Senate. No more than two commissioners can belong to the same political party. This is important to ensure that our elections remain fair and unbiased.
  - The EAC submits reports to Congress and holds public meetings and hearings. The President does not have the power to control what the EAC does.
  - The EAC also **does not** have the power to take some of the actions described in the order, such as requiring all states to require documentary proof of citizenship or withholding funding to states that do not follow the EO. This has been [upheld in the Supreme Court](#).
  - In the U.S. Constitution ([Article I, Section 4, Clause 1](#)), states have the power to set the time, place, and manner of elections. The Constitution also allows Congress to regulate how states use their authority. This has led to many federal voting rights laws like the Voting Rights Act and the Help America Vote Act. While states have differences in how people can vote, laws passed by Congress try to ensure the right to vote is consistent across the country. For example, some states allow for anyone to vote by mail, and some states limit who can vote by

mail based on disability and age, but all states allow for some form of absentee or mail-in voting. Over the last 100 years, there have been many Supreme Court cases around the state's and Congress's role in elections.

- What does the EAC do?
  - The EAC works to certify voting equipment and provide funding and resources to states to run elections.
  - The EAC is also responsible for ensuring that elections are accessible for disabled people. It creates training resources for election officials, tests voting equipment, and researches voting and accessibility.

**Establishes federal voter rolls:** The EO directs the Department of Homeland Security (DHS) and the Department of Government Efficiency (DOGE) to review state voter registration lists, specifically to verify that no ineligible voters are on them.

### **What to Know:**

- Under current federal law, state governments and Secretaries of State are responsible for maintaining voter lists.
- DHS and DOGE likely do not have the authority to review state voter registration lists or remove voters, but attempts to do so could create a lot of fear.
- States will likely sue if DHS and DOGE attempt to access the state's voter registration information.

### **Get Involved**

Join our REV UP Campaign to make our democracy accessible and increase civic engagement in the disability community. REV UP stands for "Register! Educate! Vote! Use your Power!" [Subscribe to REV UPdates](#) or [join a state or national call](#). REV UP has coalitions in twenty states and partners in 33, who work year-round to ensure disabled people have access to the ballot. For resources about voting as a person with a disability, [visit the AAPD REV UP Campaign website](#).