



INCREASED ACCESSIBILITY FOR VOTERS WITH DISABILITIES

Passage of HAVA was a landmark event for the disability community. For the first time, federal legislation guaranteed voters with disabilities a private and independent vote. This achievement, however, is a reminder that the promise of past legislation to secure voting rights for voters with disabilities remains, in many ways, unfulfilled. Basic barriers remain. It is necessary that election reform efforts seek to ensure that these guarantees, old and new, are honored.

What are some common barriers for individuals with disabilities?

- **Inaccessible voting equipment.** Each polling place must have accessible voting equipment. Under HAVA, this means equipment that allows voters with disabilities to vote privately and independently. Selection of voting equipment should be done with input from the local disability community and should be accessible to as many voters with different types of disabilities as possible. Paper trails or other verification methods used to increase voter confidence should also be accessible. Accessibility and voting confidence are not mutually exclusive goals. Voters with disabilities are as entitled as other voters to know that the vote counted reflects the vote they cast.
- **Inaccessible polling places.** Each polling place should be accessible to voters with disabilities.¹ Beyond avoiding obvious barriers like stairs, election officials should ensure that polling places have an accessible, clearly-marked path from the parking area to an accessible entrance that allows voters with disabilities to enter the polling place safely and independently. Unpaved parking lots or paths, especially gravel surfaces, pose a hardship for many individuals who use wheelchairs, walkers and other mobility devices. Election officials should also provide a voting station with voting equipment that can be reached by a voter in a wheelchair, and election workers should know how to activate the accessible features of the equipment.
- **Time limits.** Various jurisdictions across the country have policies limiting the amount of time a person has to mark a ballot. The Americans with Disabilities Act (ADA) entitles voters with disabilities who are unable to vote within the time provided to a reasonable accommodation enabling them to participate effectively in the voting

¹ Department of Justice's *ADA Checklist for Accessible Polling Places* at <http://www.ada.gov/votingck.htm>.

process.² Wherever there is notice of time limits there should be notice of the availability of accommodations.

- **Assistance of choice denial.** The Voting Rights Act guarantees voters with disabilities who need assistance reading a ballot or going through the voting process assistance from persons of the voters' choice.³ Often, however, election workers prohibit assistance from persons of choice, insisting that only election workers can assist the voters, assistance which oftentimes proves inadequate.
- **Denied/inadequate accommodations.** Voters with disabilities who need assistance voting but who do not bring an assistant may need assistance from election workers. Accommodations such as these are sometimes denied or given in a rushed or otherwise ineffective manner. Additionally, election workers should be prepared to provide other accommodations, such as providing chairs for voters with disabilities waiting in long lines, or exchanging written communication with voters with communication disabilities.
- **Refused signatures.** Some voters with disabilities have been turned away or challenged since they can only print their names or have a nontraditional signature, such as an "X" or a stamp. Signatures should not have to meet an election worker or other individual's concept of what a signature should look like, but only match the signature on file.
- **Inaccessible language.** For many voters with mental disabilities, the use of complex language and concepts can make the voting process inaccessible. Voting literature and ballot language, therefore, should use plain language and clear wording. Also, icons and pictures should accompany text whenever possible.
- **Written instructions.** To facilitate communication with voters with hearing disabilities, each polling place should have the general instructions given orally to all voters (i.e., request for name, identification, etc.) typed and available. The instructions should be posted with other voting information and should be placed at a height that can be read easily by a voter sitting in a wheelchair. The instructions should also be written in large print (18 pt. font) so that it is accessible to individuals with vision disabilities.
- **Inaccessible information and materials.** HAVA requires election officials to make certain types of voter information available to voters.⁴ This information should be made available in alternative formats, such as Braille, large print, or audio.⁵ Also, election department websites should be accessible to screen readers and have text to accompany graphics.

What are some tips for making voting more accessible?

² 28 C.F.R. § 35.130(b)(7) (requiring public entities to make reasonable modifications to policies and procedures to avoid discrimination on the basis of disability.)

³ 42 U.S.C. §§1973aa-6 ("Any voter who requires assistance to vote by reason of blindness, disability . . . may be given assistance by a person of the voter's choice, other than the voter's employer or agent of that employer or officer or agent of the voter's union."). While this provision of the VRA may apply only to federal elections, many state laws provide a similar guarantee for state and local elections. The ADA also ensures the right to assistance of choice as a reasonable accommodation.

⁴ 42 USC 15482

⁵ ADA, 28 C.F.R. § 35.160(a) (requiring public entities to take appropriate steps to ensure that communications with members of the public with disabilities are as effective as communications with others.)

- **Talk to individuals with disabilities.** The best way to make elections accessible to individuals with disabilities is to confer and consult directly with these voters, and with disability advocates. Representatives from a cross-section of the disability community should be consulted in order to ensure that voting is accessible to the entire disability community, not just one subset of individuals.
- **Training.** Jurisdictions need to provide election workers and other election officials training regarding the rights of voters with disabilities under state and federal law. Training on providing accommodations and general etiquette in working with individuals with disabilities is also essential.
- **Respect for the voter.** Some individuals with disabilities may have another person accompany them to the polling place, such as a sign-language interpreter or a person to assist them with the voting process. Voters should be addressed directly, not their assistant or interpreter. Also, election workers should ask voters what assistance they need. While it is appropriate to offer help, election workers should not automatically assume the individuals want or need it.