

Center for Disability Rights, Inc.

CDR Policy Position: Accessible Voting

The right to vote is a fundamental right of all citizens of the United States. With respect to people with disabilities, the right to vote has been affirmed and protected in Federal law by the Voting Rights Act of 1965 (VRA), the Rehabilitation Act of 1973, the Voting Access for the Elderly and Handicapped Act of 1984 (VAEHA), the Americans with Disabilities Act of 1990 (ADA), and the Help America Vote Act of 2002 (HAVA).

In the present political climate **disabled people's right to vote is under threat**. The protections of the VRA have been clawed back by the Supreme Court and election officials have inconsistent and in some cases negligent in meeting the access requirements of the ADA.

The Center for Disability Rights urges states to make voting accessible to all by:

- Access to the places
- Mandating all polling places be physically accessible
- Eliminating the use of all inaccessible voting machines
- Ensuring that all voting machines are accessible
- Training poll workers in accommodating people with disabilities
- Ensuring that disabled people are able to vote independently and privately
- Ensure that all disabled people are made aware of their Voting Rights

Access to polling places

One of the single biggest barriers many disabled people face in voting is transportation to and from the polling place. Getting to and from the polls should never be a reason someone can't vote and absentee ballots are not a solution as many transportation issues are unforeseeable. Polling places must be located in places close to accessible mass transit. If no accessible transit system is available in the locality election officials must make accessible transportation available to disabled voters.

No State should allow a polling place that is not physically accessible to all voters. Polling place accessibility is a right protected, under Title II of the ADA and HAVA, and yet far too often disabled people are forced to use absentee ballots because their local election site is inaccessible. Whether it is a temporary situation or a permanent feature, no inaccessible location

should be used for any election activities. The use of absentee ballots is not a solution for access, it is an option people should have, never the only option. Visibility at the polls is an important part of equal participation in the democratic process. It is why we give people “I voted” stickers and should be denied to no one. **If access barriers at a venue cannot be remedied** the government office responsible for that election **must seek an alternative venue**. Access considerations must take into account the whole voting experience, including parking, signage, routes to and within the polling site, and any and all voting materials provided.

Eliminate all inaccessible voting machines

States should refuse to certify any voting machines which are not accessible to disabled voters. The use of a separate voting system for voters with disabilities amounts to unequal treatment under the law. The votes of all American voters should be cast using a system that is accessible to all voters. **No disabled person should ever be prevented from voting because of an inaccessible voting machine**. Examples of unacceptable voting systems still in use in some locations include but are not limited to:

- Punch Card systems
- Lever systems
- Optical scanner systems
- Paper Ballots

States must ensure that these systems are no longer in use. The use of inaccessible machines is unequal treatment under the law and as such is discrimination.

Ensuring that all voting machines are accessible to all.

Voters with disabilities often discover that the one accessible machine at their polling location is not turned on, not set up, or not maintained in good working order. They also often encounter poll-workers who do not know how to turn on, set up, or assist them in using, voting machine. Accessibility is not something to treat as a contingency. **All voting machines must be accessible**. When a disabled person enters a polling location they should never have to wait for ‘the accessible machine’ they should only have to wait for the next available machine. Machine access considerations must include adjustable height and, multi-modal user interfaces (auditory, visual, voice, and Sip & Puff systems).

Training poll workers in accommodating disabled people.

All workers must be trained to support access. This includes not only how to operate the voting systems but also how to provide accommodations for disabled people to vote privately and independently. It is over forty years since the passage of the Rehabilitation Act; the ADA has been law for twenty-six years; it is more than a decade since HAVA was passed; and still, voters with disabilities are not able to exercise this fundamental right privately and independently, in the same manner as other voters. It is clear that better training of poll-workers is also necessary to safeguard the rights of disabled voters. The poll worker is central to all voters’ ability to take

part in our voting system and need to be skilled in making it accessible to all. One way to further ensure this is through the recruitment of disabled poll workers. Disabled people are experienced in handling accessibility issues and would be a valuable resource at all polling locations. For this reason States and local election commissions must recruit and accommodate disabled poll workers for all polling sites.

Disabled people must be allowed to vote independently & privately.

Many disabled people have reported that attempts to accommodate them or enable their access to voting have led to poll workers violating the integrity and privacy of their vote. In some cases people have been told to dictate their votes while election volunteers would enter them for them, others have reported poll workers watching to make sure they used the machines correctly. Our government ensures that all voters have the right to vote privately. There is no reasonable justification for denying this. **Providing access is never something that needs to come at the expense of someone's right to have their vote be private.**

Disabled people must be made aware of their voting rights.

Ableism and discrimination have led to many false beliefs regarding disabled people's voting rights. People with intellectual and developmental disabilities have been denied the right to vote based on the assumptions poll workers make about their competence. Disabled people's decision on who will or how they will be assisted in voting has been questioned and some cases denied. States must ensure that both disabled people and poll workers are aware of their rights. Guardianship & conservatorship laws have often been used to deny disabled people's voting rights. This should never be the case. State laws on guardianship should be clarified or revised to ensure that all disabled people of voting age are allowed to vote. Disabled people living in institutions consistently denied participation in every aspect of our society despite the courts firmly establishing disabled people's right to be a part of the community. States must put measures in place to ensure that people with disabilities living in institutions are not only allowed to vote but that their voting is facilitated.

About the Organization

The Center for Disability Rights, Inc. is a not-for-profit, community-based advocacy and service organization for people with all types of disabilities. CDR has been advocating for the full community integration of people with disabilities for over two decades through ending the institutional bias inherent in Medicaid. The Center for Disability Rights operates the New York Disability Voters Network, a grassroots, nonpartisan voting initiative for voters interested in disability issues. Learn more at www.nydvn.org.