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# Accessible Voting

## ADA Now

A publication of the ADA Coordinator Training Certification Program

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# Federal Laws Protecting the Rights of Voters with Disabilities

## The Americans with Disabilities Act

**(ADA)** is a federal civil rights law that provides protections to people with disabilities that are similar to protections provided to individuals on the basis of race, color, sex, national origin, age, and religion. Title II of the ADA requires state and local governments (“public entities”) to ensure that people with disabilities have a full and equal opportunity to vote. The ADA’s provisions apply to all aspects of voting, including voter registration, site selection, and the casting of ballots, whether on Election Day or during an early voting process.

**The Voting Rights Act of 1965 (VRA)** also contains provisions relevant to the voting rights of people with disabilities. The VRA requires election officials to allow a voter who is blind or has another disability to receive assistance from a person of the voter’s choice (other than the voter’s employer or its agent or an officer or agent of the voter’s union). The VRA also

prohibits conditioning the right to vote on a citizen being able to read or write, attaining a particular level of education, or passing an interpretation “test.”

The Voting Accessibility for the Elderly and Handicapped Act of 1984 (VAEHA) requires accessible polling places in federal elections for elderly individuals and people with disabilities. Where no accessible location is available to serve as a polling place, voters must be provided an alternate means of voting on Election Day.

**The National Voter Registration Act of 1993 (NVRA)** aims, among other things, to increase the historically low registration rates of persons with disabilities. The NVRA requires all offices that provide public assistance or state-funded programs that primarily serve persons with disabilities to also provide the opportunity to register to vote in federal elections.

## The Help America Vote Act of 2002

**(HAVA)** requires jurisdictions responsible for conducting federal elections to provide at least one accessible voting system for persons with disabilities at each polling place in federal elections. The accessible voting system must provide the same opportunity for access and participation, including privacy and independence, that other voters receive.

This information (p.1-4) was developed by the U.S. Department of Justice and appears in *The Americans with Disabilities Act and Other Federal Laws Protecting the Rights of Voters with Disabilities*. The original document is available at: [https://www.ada.gov/ada\\_voting/ada\\_voting\\_ta.pdf](https://www.ada.gov/ada_voting/ada_voting_ta.pdf)

## Accessible Registration

**The first step in the voting process is registration.** The National Voter Registration Act of 1993 (NVRA) requires all offices that provide public assistance or state-funded programs that primarily serve persons with disabilities to provide the opportunity to register to vote by:

- providing voter registration forms,
- assisting voters in completing the forms,
- transmitting completed forms to the appropriate election official.

In addition to the registration opportunities guaranteed by the NVRA, the ADA requires states to ensure that all aspects of the voter registration process are accessible to persons with disabilities. The ADA also prohibits a state from categorically disqualifying all individuals who have intellectual or mental health disabilities from registering to vote or from voting because of their disability.

# Providing Accessible Polling Places

In communities large and small, people cast their ballots in a variety of facilities that temporarily serve as polling places, such as libraries, schools, and fire stations, or churches, stores, and other private buildings. The ADA requires that public entities ensure that people with disabilities can access and use their voting facilities. The ADA's regulations and the [ADA Standards for Accessible Design](#) set out what makes a facility accessible and should be used to determine the level of accessibility at any facility being considered for use as a polling place.

The Justice Department's [ADA Checklist for Polling Places](#) provides guidance to election officials for determining whether a polling place already has the basic accessibility features needed by most voters with disabilities or can be made accessible using temporary solutions.

An additional Justice Department publication, [Solutions for Five Common ADA Access Problems at Polling Places](#) illustrates suggested temporary solutions for several common problems found at polling places. For example, if parking is provided at a polling place but there are no accessible parking spaces, election administrators can create temporary accessible parking by using traffic cones and portable signs to mark off the accessible spaces and access aisles.

The Department of Justice has expanded the scope of the Election Day monitoring conducted by Civil Rights Division staff to include assessments of the physical accessibility of polling places. For the 2012 general election, the Department's Election Day monitors conducted accessibility surveys of approximately 240 polling places in 28 jurisdictions throughout the country.

In limited circumstances, when a public entity is unable to identify or create an accessible polling place for a particular voting precinct or ward, election administrators may instead use an alternative method of voting at the polling place. While absentee balloting can be offered to voters with disabilities, it cannot take the place of in-person voting for those who prefer to vote at the polls on Election Day.

Any alternative method of voting must offer voters with disabilities an equally effective opportunity to cast their votes in person. For example, the only suitable polling site in a precinct might be an inaccessible building. In this **rare circumstance**, election administrators may provide "curbside voting" to allow persons with disabilities to vote outside the polling place or in their cars.



**In order to be effective the curbside voting system *must* include:**

- 1** Signage informing voters of the possibility of voting curbside, the location of the curbside voting, and how a voter is supposed to notify the official that she is waiting curbside.
- 2** A location that allows the curbside voter to obtain information from candidates and others campaigning outside the polling place.
- 3** A method for the voter with a disability to announce her arrival at the curbside (a temporary doorbell or buzzer system would be sufficient, but **not** a telephone system requiring the use of a cell phone or a call ahead notification).
- 4** A prompt response from election officials to acknowledge their awareness of the voter.
- 5** Timely delivery of the same information that is provided to voters inside the polling place.
- 6** A portable voting system that is accessible and allows the voter to cast her ballot privately and independently.

Under the ADA, jurisdictions must select polling sites that are or can be made accessible, so that voters with disabilities can participate in elections on the same terms and with the same level of privacy as other voters.

## Ensuring Policies and Procedures Do Not Discriminate Against People With Disabilities

Public entities must ensure that they do not have policies, procedures, or practices in place that interfere with or prohibit persons with certain disabilities from registering to vote or voting based on their disability. For example, an election official cannot refuse to provide an absentee ballot or voter registration form to a person with a disability because the official knows the voter resides in a nursing home.

In addition, the ADA requires public entities to modify their voting policies, practices, and procedures when such modifications are necessary to avoid discrimination on the basis of a voter's disability. That requirement is relaxed only if election administrators can show that the proposed modification would fundamentally alter the nature of the voting program. For example, voters who use

crutches may have difficulty waiting in a long line to vote. The ADA does not require that these voters be moved to the front of the line, but the public entity should provide a chair for them while they wait.

For a voter with multiple sclerosis who may be unable to tolerate extreme temperatures, providing a chair inside the polling place may be an appropriate modification.

Similarly, election officials must modify a "no animals/pets" policy to allow voters with disabilities to be accompanied by their service animals in all areas of the polling place where the public is allowed to go.

Additionally, if a jurisdiction requires voters to provide identification, the ADA requires that election officials not restrict the permissible forms of identification from voters with disabilities to ones that are not available to those voters. For example, individuals with severe vision impairments, certain

developmental disabilities, or epilepsy are ineligible in many states to receive a driver's license. Thus, accepting only a driver's license would unlawfully screen out these voters.

## Providing Accessible Voting Systems

HAVA requires jurisdictions conducting federal elections to have a voting system (such as the actual voting machines) that is accessible, including to citizens who are blind or visually impaired, at each polling place. The accessible voting system must provide the same opportunity for access and participation, including privacy and independence, that other voters enjoy.

States can satisfy this accessibility requirement through use of a direct recording electronic voting system or other voting system equipped for individuals with disabilities.

Photo courtesy of [Inclusion Solutions](#).



Varying counter heights provide access for wheelchair users when needed

In addition to HAVA, the ADA requires officials responsible for conducting all public elections to make sure that any accessible voting systems are maintained and function properly in each election, and that election officials have been adequately trained to operate them.

## Effective Communication

**The ADA requires election officials conducting any elections at the federal, state, or local level to provide communication with voters with disabilities that is as effective as that provided to others.** To ensure that voters with disabilities can fully participate in the election process, officials must provide appropriate auxiliary aids and services at each stage of the process, from registering to vote to casting a ballot.

A jurisdiction is not required to provide the aid or service **only** if providing an aid or service would result in a fundamental alteration or undue financial and administrative burden.

However, the jurisdiction still has an obligation to provide, if possible, another aid or service that results in effective communication. In determining the type of auxiliary aid and service to be provided, officials must give primary consideration to the request of the voter. Examples of auxiliary aids and services for people who are blind or have low vision include:

- A qualified reader (a person who is able to read effectively, accurately, and impartially using necessary specialized vocabulary).

- Information in large print or Braille.
- Accessible electronic and information technology
- Audio recording of printed information.

Examples of auxiliary aids and services for people who are deaf or have hearing loss include:

- Sign language interpreters
- Video Remote Interpreting
- Captioning
- Written notes.

Example, suppose that a jurisdiction is conducting an election for mayor and city council members using a paper ballot system. A blind voter requests an accessible ballot. A Braille ballot would have to be counted separately and would be readily identifiable, and thus would **not** constitute a secret ballot.

Other aids and services would better afford voters who are blind the opportunity to vote privately and independently and to cast a secret ballot, just like other voters. These may include ballot overlays or templates, electronic information and information technology that is accessible (either independently or through assistive technology such as screen readers), or recorded text or telephone voting systems.

The requirement to provide effective communication also extends to other information related to the voting process, such as poll workers obtaining address and registration information from voters. Whatever information the public entity provides relating to the voting process must

be accessible and usable by all who come to cast their ballots. For example, election officials should have pen and paper available and be prepared to write out questions at the polling place check-in table for a voter who is deaf and can communicate through written communications.

## Training

Prior to Election Day or the beginning of early voting, election staff and volunteers receive training so they can appropriately interact with people with disabilities. Staff and volunteers should understand the specific auxiliary aids and services that are available.

### They should be aware that:

- Service animals must be allowed to accompany voters inside the polling place.
- Accessibility features at the polling place need to be operational.
- People with disabilities are allowed assistance from a person of their choice, other modifications may be needed to accommodate voters with disabilities.

Many local disability organizations, including Centers for Independent Living and Protection and Advocacy Systems, conduct ADA and disability trainings in their communities. The Department of Justice and the National Network of ADA Centers can provide local contact information for these organizations.

# Surveying Polling Places: Interview with Mike Edwards



**Mike Edwards,**  
ACTCP Program Director

**Q. What is your experience in this area? Can you describe the project you worked on for Missouri?**

Shortly after the passage of the Help America Vote Act, the state of Missouri initiated a project to determine where the state stood as far as accessibility to its over 3600 polling places. As project director for that initiative, my team developed a comprehensive checklist to review each location. Then, working with disability advocacy groups like the Missouri Centers for Independent Living and the Developmental Disability Centers, we trained individuals across the state to perform these reviews. The advocates worked alongside county officials to determine what, if anything, was a physical barrier at each location to individuals with disabilities that could interfere with being

able to exercise their right to vote. The data was collected into a database that was then distributed through the MO Secretary of State's Office to each county so they could begin the process of removing these barriers.

Sometimes the barriers were easy fixes like putting up temporary parking signage and other times the barriers were so great it was determined that a new polling location needed to be found. It sometimes prompted some creative thinking, as some of these polling places were in very rural areas where there were just no other locations to move the polling place to. I remember one location where the county needed to make some changes in level issues at the doorway. The building was not owned by the county so they could not alter it, but there was no place within 10 to 15 miles to use as a polling place. This county worked with a local vendor of horse trailers and purchased some thick rubber matting used in the flooring of the trailers. These were cut and laid down at the doors to make a smooth entry over the thresholds.

**Q. What were the most common mistakes that you found?**

Parking and steps at the entrance doors. Most lots either did not have accessible parking or they didn't have it near the area being used for voting. The majority of the polling places in Missouri are not owned by the county. They are rented or just loaned out for the day. The

county doesn't have much control over where the parking is. Say the county is renting a room at a local church for the day. The church may have accessible parking on the front side of the building but around back where the voting is taking place there is none. In this case the county needs to put up some temporary accessible parking close to the entrance. This can be done by using road cones or roping off a temporary spot and access aisle. Signage can be placed in a weighted bucket so that it is upright but also still portable.

**The other most common problem we found was doorway thresholds.** Sometimes it was just a few inches or less, but occasionally there was a set of steps leading to the polling place. The small changes in level could be remedied most of the time but the stairs were more problematic. If there were another route, we would recommend directional signage letting voters know where it was. If there were no other route, the usual recommendation was to locate the polling place to a different location.

**Q. What are your recommendations for county clerks preparing for the upcoming elections?**

By this time, I think most election officials are more aware of the need of accessible voting locations. I have seen many improvements across our state and others that I have been in the last decade. The Help America Vote Act along with the ADA is working. Accessibility in

voting has greatly improved across the country. My recommendation for county clerks would be to continue doing checks of the polling sites before each election. Because most sites are not owned by the counties, there could be changes that the building owners have made that you were not aware of since the last election. A few weeks before each election the sites should be inspected for accessibility just to make sure. The last thing you want is to think you have an accessible polling place and come election morning you find out that is not the case.

**Q. Are there any resources you would recommend?**

The Department of Justice recently updated their checklist for polling places. This is a great resource with lots of diagrams that can be given to staff to make sure accessibility is accounted for come election day. I also recommend your regional ADA Center if you

have specific technical assistance questions. You can reach an ADA Center by calling 1-800-949-4232.

**Q. What tools should be on hand when surveying a polling place?**

I always have a digital level, tape measure, door pressure guage, camera (the camera on your phone is fine). Have a way to take good notes whether its pen and paper or a tablet.

**Q. Any additional thoughts, comments, fun stories?**

One story I always like to share. During the process of the Missouri polling places initiative, there were times when I would have to go do a survey or two myself. One day I was at an elementary school building, the school principal was walking along with me as I took measurements and wrote down any barriers I found. As we walked down the hallway towards

the room where the voting took place, we came across a set of three stairs where there was an added wing to the building. There was an elevation change where the new part of the building connected with the old. I asked the principal if this was the only route to the voting room and she confirmed that it was. As I was writing down that there was no accessible route to the voting area, the principal took offense and started arguing with me saying that that should not make a difference. I told her that if an individual who uses a wheelchair were to try to vote at this location, they would not be able to get beyond this point. That's when she said "Well, nobody who uses a wheelchair has ever come here to vote." I just replied "No kidding, you just made my point."



Save the Date!

May 14-17, Chicago  
[www.adasymposium.org](http://www.adasymposium.org)



# Voters with Disabilities: What Polling Staff Should Know

**Don't make assumptions** on an individual's ability/right to make an informed vote on appearance/disability.

An individual may have an aide or family member with them to assist with tasks. This should not affect their right to vote!

Voters with disabilities may use identification other than a driver's license. **Do not automatically turn someone away if they do not have a driver's license!** Make sure you know what forms of ID are acceptable (varies from state to state).

**Make eye contact and speak directly to the voter** (even if they are with an interpreter/caretaker/companion, etc.)

**Ask questions, if needed and don't hesitate to offer assistance.** People with disabilities know their needs and will be able to tell you what they do and or don't need in order to be able to vote.

**Introduce yourself** and ask individuals for their names if you will be assisting them. If you provide additional assistance, don't draw attention to the fact you are doing so.

**Staff should be trained to use accessible voting equipment** and be able to provide assistance as needed

**If you make announcements of changes,** such as where people should line-up, be sure to post this information as well. Having poster paper and markers available for impromptu signs is a good idea.

People who use walkers, canes, braces or have conditions that cause fatigue **may need a place to sit while waiting in line to vote.** A simple folding chair will meet this need.

**Some people may need more time to process information** for a variety of reasons-- **do not rush** them or become impatient.

Make sure there are **signs indicating where accessible parking and entrances are located.** Everyone will benefit from signs directing people to the voting area, etc.

**Voters who are deaf may also benefit from signs.** The National Association of the Deaf recommends printing common statements and questions. **Sample statements and questions include:**

- Show your driver's license or other photo identification.
- Is your address correct?
- Sign the registration list/card(s).
- Take the voting card to the person standing near the voting machines.
- Directions for how to use the voting machine are in the voting booth.
- Do you have any questions?

**Use "people first" language.** The following examples are somewhat obvious, but they clearly show the difference between language that focuses on the disability, rather than the person.

**Do:** Would you assist the man using a wheelchair at the door?

**Avoid:** The man sitting in the wheelchair can't open the door, he needs help"

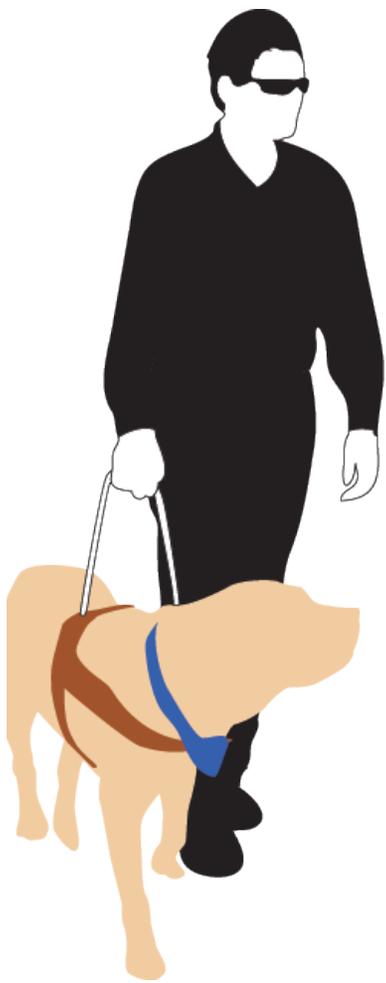
**Do:** The woman in the red jacket with a guide dog has some questions.

**Avoid:** See that blind woman over there (pointing). She can't vote by herself.



Temporary signs can be used to show the entrance to the voting area and whether it is accessible.

Photo courtesy of [Inclusion Solutions](#).



## Service Animals

Under the Americans with Disabilities Act, people with disabilities who use service animals have the right to bring their service animals to public places, which includes polling places. The ADA defines a service animal as a dog that is individually trained to perform a task related to the person's disability.

People with different types of disabilities use service dogs for different reasons. Often, the reason for the service dog is apparent, such as a person who is blind who uses a service dog for guiding. But a person with a seizure disorder may use a service dog to alert them of an oncoming seizure. **Take-Away:** Don't assume a dog is not a service dog just because the owner doesn't appear to have a disability.

### Identification:

Under the Americans with Disabilities Act, people using service dogs are **not** required to provide a certificate, license or any other type of identification.

### Staff may ask two questions for identification:

- Is this a service dog?
- What task does it perform?

A service dog does not have to be on a leash or wearing a vest. Some tasks are hampered by a leash. The service dog, however, should always be under the handler's control.

### Staff Interaction with Service Animals

Don't pet, talk to, offer treats, gesture or distract the dog. Service dogs are working and they need to be able to concentrate on their tasks.

### Problems?

If a dog is disruptive (barks, wanders around, bothers others) staff may ask the owner to get the dog in control. If this can't be done quickly, staff may ask the owner to remove the dog. The owner has the right to stay without the dog.

**Note!** Some states, cities, and counties have additional regulations covering service animals. For instance, some local governments include animals other than dogs as service animals. Make sure polling staff are aware of local laws regarding service animals.

## Accessibility Complaints

If a person with a disability request actions to ensure their voting rights, for example, ask that a broken accessible voting machine be repaired or replaced—don't take this as a personal criticism of yourself or the polling place. Remain courteous and friendly, and follow-through on the request. Generally, these types of issues are handled by polling staff notifying the local election officials of the request.

If the person's request cannot be provided, offer whatever assistance you can to make it possible for the individual to vote. That may mean providing curbside voting for a wheelchair user or marking the ballot for an individual who is blind.

An individual with a disability may inform you that they plan to file a complaint based on issues such as inaccessible facilities or voting equipment. Remember, it is their right to do so and not a personal reflection on polling workers. Filing a complaint is one way to improve future voting accessibility.

# More Disability Etiquette

## Wheelchair Users



The wheelchair is part of a person's body space. Do not grab, lean on, etc. an individual's wheelchair.

If someone is having obvious difficulty, such as getting over a threshold or pushing a door open, ask the person if they need help. Never push a wheelchair without first getting permission from the wheelchair user!

Keep "path of travel" clear. Wheelchair users need to have a clear path to the ballot box, etc. For instance, keep folding chairs pushed close to tables when not in use.

## Blindness/Low Vision



**Identify yourself.** A simple "Hi, I'm Mary and I am the polling volunteer" ensures to the voter that they are working with the right person.

**Provide specific directions to locations.** Instead of "the accessible voting machine is at the back of the room" say "we have an accessible voting machine about 20 feet to your right in the back of the room."

### Guiding

- If a person needs to be guided to a location, offer your arm, elbow or shoulder. Give the person information such as "I'm offering you my arm".
- When moving, describe what is on the path ahead. Example: "We are moving through a doorway and taking a right down a hallway".
- Let the person know when you are leaving. Example: "I'm going to go back to the front area, now".

## Speech Impairments

Allow the person time to speak. Don't complete the person's sentences!

Use the same tone of voice and volume that you would normally use, unless the person asks for you to speak louder and/or slower.

Don't show impatience—pay attention to what your body language/facial expressions are conveying.

Repeating what you understood the person to say and then letting the voter verify that you are correct is one technique to ensure communication is effective.

## Hearing Loss/Deafness



Speak normally—hearing aids are tuned for normal volume of speech.

Keep your face and mouth visible for lip reading.

When a companion or interpreter is present, be sure to address the voter, not the other person.

Two-way communication can occur by nodding, gesturing or writing notes. When you point to something, such as a different area in the room or to some preprinted information, be sure you maintain or regain eye contact before speaking.

It may be helpful or necessary to touch the person's shoulder or arm to get his/her attention. **Do not grab, pull or tap a person from behind!**

## ADA Checklist for Polling Places

This 25-page document recently released by the U.S. Department of Justice (June, 2016) consists of three parts.

- Part 1 discusses polling place accessibility with a focus on the areas of a facility that may be used as a polling place on Election Day.
- Part 2 includes a list of the tools election officials will need in order to use the Checklist, some helpful tips on taking measurements and photographs, and a useful list of the most common tools for temporary remedies and the circumstances in which they may be used.
- Part 3 is the 2016 Facility Checklist.

<https://www.ada.gov/votingchecklist.pdf>

<https://www.ada.gov/votingchecklist.htm>

## United States Election Assistance Commission Website

Provides numerous resources for voters with disabilities.

[www.eac.gov/voter\\_resources/voting\\_accessibility.aspx](http://www.eac.gov/voter_resources/voting_accessibility.aspx)

## Polling Places Accessible Video

Although only 4 minutes, this video contains a wealth of information to assist in providing an accessible polling place and accessible voting.

[http://www.eac.gov/making\\_polling\\_places\\_accessible/](http://www.eac.gov/making_polling_places_accessible/)

## Bazon Center: Information on Voting Rights and Mental Health

[www.bazon.org/Where-We-Stand/Self-Determination/Voting.aspx](http://www.bazon.org/Where-We-Stand/Self-Determination/Voting.aspx)

## Voter Resource Center

**American Association of People with Disabilities (AAPD)**

<http://www.aapd.com/our-focus/voting/voter-resource-center/>

## Non-Profit Vote.org

Links to information related to voting with disabilities for each state.

<http://www.nonprofitvote.org/voting-in-your-state/special-circumstances/voting-with-a-disability/>

## Nonvisual Election Technology: National Federation of the Blind

<https://nfb.org/hava-intro>

## ADA National Network (ADANN) 1-800-949-4232

The regional centers that make up the ADA Network provide technical assistance and materials on all areas of the ADA including solutions to create accessible facilities. <http://www.adata.org>

# People with Disabilities and Voting Statistics



15.6 million people with disabilities reported voting in the November 2012 elections.

The voter turnout rate of people with disabilities was **5.7 percentage points lower** than that of people without disabilities. There would be **3 million** more voters with disabilities if they voted at the same rate as people without disabilities who are otherwise similar in age and other demographic characteristics.

Employed people with disabilities were just as likely as employed people without disabilities to vote, suggesting that employment helps bring people with disabilities into mainstream political life.



The voter registration rate of people with disabilities was **2.3 percentage points lower** than that of people without disabilities. The lower voter turnout is due in part to a lower registration rate among people with disabilities but more to lower turnout among those who are registered.

## People with Disabilities: Their Experience in Voting



The most common problems reported were difficulty in reading or seeing the ballot, and understanding how to vote or use voting equipment.

Almost one-third (30.1%) of voters with disabilities **reported difficulty in voting** at a polling place in 2012, compared to 8.4% of voters without disabilities

Over one-fourth of voters with disabilities voted by mail in 2012, compared to one sixth of people without disabilities. Among people with disabilities who voted by mail, about one-tenth reported difficulties and the need for assistance in filling out or sending the ballot.

People with disabilities were just as likely as those without disabilities to say they were treated respectfully by election officials

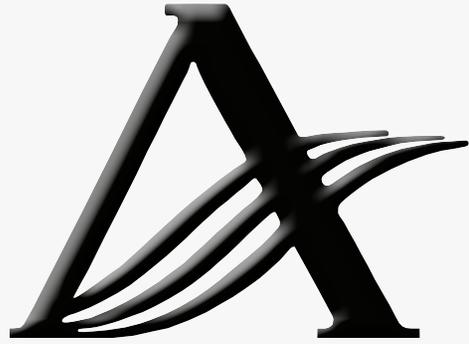
Asked about alternative voting methods for the next election, majorities of people both with and without disabilities say they would prefer voting in person in a polling place.



Almost one-third of the voters with disabilities required assistance in voting, most commonly given by election officials or family members

Among other potential options, people with disabilities are relatively more likely to say they would prefer voting by mail, while people without disabilities are more likely to say they would prefer voting by Internet.

Among voters with disabilities, 6.5% used extra features or devices in voting such as large displays, magnifiers, lowered machines, and accessible voting machines



## ADA Coordinator Training Certification Program

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## **Conference Schedule**

ADA Coordinator Conference

**October 18-19, Plano Texas**

Information and Registration:

<http://www.adacoordinator.org/?page=Training>

National ADA Symposium

**May 14-17, Chicago**

Hyatt Regency O'Hare

[www.adasymposium.org](http://www.adasymposium.org)

The ADA Coordinator Training Certification Program is a project of the Great Plains ADA Center and the University of Missouri School of Human Environmental Sciences Architectural Studies Department.