



## Accessible Voting: ADA & Help America Vote Act

Is your public entity ready to meet its obligations to provide accessible voting for people with disabilities?

Many ADA Coordinators are working closely with election officials to ensure local governments are meeting their obligations under the law in preparation for the upcoming national elections. While some voters with disabilities may choose to use absentee ballots as a means to vote, access to polling places and the ability to cast a vote along with other voters on election day is critical to the right of individuals with disabilities to participate equally in civic life in an integrated setting. This article provides a quick review of accessibility requirements under both the ADA and Help America Vote Act along with resources to help ensure equal access is provided.

***Title II of the Americans with Disabilities Act (1990):*** Requires that state and local governments services and activities be accessible to people with disabilities. This includes all aspects of the voting process from voting registration to casting a ballot on election day. A major responsibility of election officials is to make sure polling places are accessible which includes an accessible route from 1) the path of travel from the parking area to the entrance, 2) the entrance to the voting booths, 3) the exit back to the parking area.



If barriers to a polling place are present and cannot be removed then the polling place should be moved to a different facility. However, if the facility can be accessed but there are barriers to an accessible voting booth within the facility, relocating an accessible voting machine to another, accessible, location in the facility can be an alternate means of providing accommodation.

Local governments also have a responsibility to provide necessary auxiliary aides and services for effective communication. This includes alternate formats such as large print and auxiliary aides such as accessible voting machines for people who are blind or have low vision. If information about voting requirements and polling places are provided on a website, the webpage should be accessible to screen readers, and follow other accessibility guidelines.

Election official staff and volunteers should be aware of disability etiquette, voters' rights under the ADA, and be able to provide assistance as needed. This often requires specific training and/or information in the weeks leading up to the election.

**The Help America Vote Act (HAVA)**, passed in 2002, provided states and local governments with funding to:

- Make polling places accessible;
- Provide individuals with disabilities with information about the accessibility of polling places;
- Train election officials, poll workers and election volunteers to provide assistance to people with disabilities and be aware of the rights of people with disabilities to vote.

HAVA requires each polling place to have at least one voting system accessible to individuals with disabilities including the blind and low vision so that all individuals with disabilities have the opportunity cast their vote independently and in privacy.

HAVA also guarantees the right to cast a ballot even if someone challenges the right of an individual with a disability to vote. This special ballot is a provisional ballot. A poll worker later determines if the person is allowed to vote. If so, then the vote will be counted. As long as an

individual with a disability understands what it means to vote and meets all of the other criteria needed to vote in an election, they cannot be denied participation.

## Resources

Different disabilities present different voting access needs. As these requirements have been in place for a number of years, there is a clear expectation that public entities provide equal access to voting for all people with disabilities, regardless of the nature of the disability.

This election season there are a number of resources available for both individuals with disabilities and local officials to clarify rights and responsibilities and assist with the process.

► The Department of Justice has created an ADA checklist for polling places to measure their level of accessibility. This can be found at: [www.usdoj.gov/crt/ada/votingck.htm](http://www.usdoj.gov/crt/ada/votingck.htm)

► The Election Assistance Commission provides links to a number of resources for both local governments and people with disabilities. [http://www.eac.gov/voter\\_resources/resources\\_for\\_voters\\_with\\_disabilities.aspx](http://www.eac.gov/voter_resources/resources_for_voters_with_disabilities.aspx)

► Making Polling Places Accessible (Video by the Election Assistance Commission) [http://www.eac.gov/making\\_polling\\_places\\_accessible/](http://www.eac.gov/making_polling_places_accessible/)

## Census Bureau Releases Updated Disability Statistics

► A summary of voter identification laws passed since 2011 is available at [http://www.brennancenter.org/content/resource/voter\\_id\\_laws\\_passed\\_in\\_2011](http://www.brennancenter.org/content/resource/voter_id_laws_passed_in_2011)

It is important that people with disabilities are aware of voter identification laws, as many individuals without a current driver's license may have to secure an alternate form of identification following very specific guidelines.

### Reporting Questions or Concerns:

If a person with a disability is experiencing an access issue on Election Day, they can call the Election Protection Coalition for advice or guidance at 1.866.OURVOTE. This nonpartisan organization seeks to offer voter information and advice on assuring that their vote is counted. This service is also helpful to ADA Coordinators who may need information for themselves or community members on election day.

If an individual with a disability believes that a form of voter access discrimination has occurred, they can file a formal complaint with the Department of Justice Division of Civil Rights Voting Section at 1.800.253.3931 or by TTY at 1.800.877.267 x 8971.

The U.S. Census Bureau has released updated statistics on the population of people with disabilities in the U.S. According to the new figures, 56.7 million Americans (18.7% of the population) have some type of disabilities. Of this number, an estimated 38.3 million (12.6%) have a disability characterized as "severe." The findings, which contained the Bureau's 2010 Survey of Income and

Program Participation, also provide estimates on the prevalence of different types of disability.

The Bureau's report, "Americans with Disabilities: 2010," also covers distribution by age and gender and provides estimates on various economic factors, including employment rate, income levels, program participation, and health insurance coverage.

Vision impairment	8.1 million	3.3%
Hearing impairment	7.6 million	3.1%
Difficulty lifting or grasping	19.9 million	8.2%
Cognitive, mental, or emotional impairments	15.2 million	6.3%
Difficulty walking or climbing stairs	30.6 million	12.6%