



**DISABILITY VOTING ISSUES – ACCESS,
ASSISTANCE, AND ACCOMMODATIONS**

Voting is a fundamental right, privilege, and duty. It is a key means by which citizens, including those with disabilities, can impact policy at the local, state, and federal levels. Yet, many people with disabilities continue to encounter obstacles to voting. People with mobility disabilities may encounter physical barriers at their local polling places. People with sensory disabilities may encounter communication barriers in the registration and voting process. People with intellectual, cognitive, or mental health disabilities may be barred or intimidated from voting based on prejudice and misunderstanding about their right to vote. This Fact Sheet will summarize some of the key legal requirements designed to assure that Pennsylvanians with disabilities have equal access to the voting process.

Commonly asked questions:

Does the law require that polling places be completely accessible to voters with mobility disabilities?

What does it mean for a polling place to be fully accessible?

What should a person do if he or she is unable to vote in his or her polling place because it is inaccessible?

My polling place is accessible, but I cannot vote in person due to my disability. What can I do?

Do the voting machines need to be accessible to voters with mobility disabilities and visual disabilities?

Am I allowed to have someone help me in the voting machine?

Do election officials have to make any other modifications for people with disabilities at the polling place?

Can election officials bar a person from voting because they deem him or her not competent to vote or understand the ballot?

Does the law require that polling places be completely accessible to voters with mobility disabilities?

In 1984, Congress enacted the Voter Accessibility for the Elderly and Handicapped (VAEH) Act, which states that all polling places used for federal elections must be accessible to voters with mobility disabilities and those age 65 and older. The VAEH, however, provides that if the state certifies that a polling place cannot be made accessible or relocated to an accessible location, then it must offer voters the opportunity to vote by “alternative ballot” up until the close of polls. Voting by alternative ballot is discussed below.

In 1990, Congress enacted the Americans with Disabilities Act (ADA). Title II of the ADA applies to state and local government programs and services, including elections. Title II of the ADA has been interpreted to require election officials to assure that all newly selected polling places are accessible and to maximize the accessibility of existing polling places by relocating inaccessible polling places to accessible sites or by assuring that temporary modifications (such as portable ramps or threshold mats) are available and in place on Election Day.

What does it mean for a polling place to be fully accessible?

There are a number of elements that are relevant in determining whether a polling place is fully accessible for both voters with mobility and other disabilities. The United States Department of Justice has published comprehensive guidelines relating to polling place accessibility, which are available at <https://www.ada.gov/votingck.htm>. At minimum, voters who use wheelchairs or have other mobility disabilities should be able to enter the polling site, travel to the voting area, and utilize the voting area independently and easily. Some of the more specific accessibility standards include:

- **Accessible Entrance** – There should be no steps at the entrance or even a threshold that exceeds ½ inch in height. The entry door must be at least 32 inches wide and the door hardware must be usable by people with disabilities.

- **Accessible Route** – The route from the parking lot (if any) to the voting booth must be accessible. Among other requirements, there must be a compliant ramp if the route at any point has a slope in excess of 1:20; the route (include interior hallways) must be at least 36 inches wide and all doorways to the voting area must be at least 32 inches wide; exterior sidewalks and walkways must be in good repair; and objects should not protrude into or obstruct the route so as to be hazardous to voters with visual disabilities.
- **Accessible Voting Area** – The area where the voting machines are located should be accessible, including, for instance, making sure that the tables and machines are arranged in such a manner as to provide a clear path of travel to the voting machine.

What should a person do if he or she is unable to vote in his or her polling place because it is inaccessible?

A person with a disability probably wants to make sure that his polling place is accessible before Election Day. You can find that information by looking up your polling place at

<https://www.pavoterservices.pa.gov/Pages/PollingPlaceInfo.aspx>. You can also check with your County Board of Elections, which should be able to provide you with that information. Contact information for your County Board of Elections can be found at <http://www.votespa.com/en-us/voting-and-elections/be-prepared/Pages/County-Contact-Information.aspx> or by calling 1-877-VOTES-PA (1-877-868-3772).

If your polling place is not accessible and you have a disability or are age 65 or older you have the right to vote by **alternative ballot**. You must submit an application for an alternative ballot no later than 5 p.m. the Tuesday prior to Election Day. In the event of emergency that prevented you from applying for an alternative ballot by the deadline (such as learning that your polling place is inaccessible after the deadline), you can submit an **emergency application for an alternative ballot** up until the close of polls at 8 p.m. on Election Day. Your completed alternative ballot must be received by the County Board of Elections no later than 8 p.m. on Election Day. Regular and emergency applications for alternative ballots can be found at <http://www.votespa.com/en-us/voting-and-elections/types-of-voting/Pages/Alternative-Ballot.aspx> or you can contact your County Board of Elections.

If your polling place is not accessible and you want to vote in person, you should also consider working with your County Board of Elections to find a new polling place for your division by proposing some alternatives. You can also contact the Department of State to complain about the inaccessibility of your polling place at <https://www.pavoterservices.pa.gov/Pages/ReportElectionComplaints.aspx>.

My polling place is accessible, but I cannot vote in person due to my disability. What can I do?

If your polling place is accessible but you have an illness or disability that prevents you from voting in person there, then you can submit an application to vote by **absentee ballot**. Your application for an absentee ballot must be submitted to your County Board of Elections no later than 5 p.m. on the Tuesday prior to Election Day. You can get an application for an absentee ballot from your County Board of Elections or at http://www.votespa.com/en-us/Documents/Absentee_Ballot_Application.pdf.

Your completed absentee ballot must be received by your County Board of Elections no later than 5:00 p.m. on the Friday before Election Day. You can seek an **emergency absentee ballot** from the County Board of Elections up until 5 p.m. on the Friday before Election Day (which must still be completed and submitted to the County Board of Elections by 5 p.m. on Election Day) if, for example, you did not know prior to the regular deadline that you would need to vote by absentee ballot (for instance, because you are hospitalized after the regular deadline). If, for some reason, your need for an absentee ballot does not arise until after 5 p.m. on the Friday before the election, you can submit an application for an emergency absentee ballot to the Court of Common Pleas in your county up until 8 p.m. on Election Day, though the completed absentee ballot must be submitted by 8 p.m. on Election Day as well.

If you have a permanent disability that prevents you from voting in person or using a voting machine, you can submit an application for a **permanent absentee ballot**. You can request such an application by contacting your County Board of Elections or at <http://www.votespa.com/en-us/Documents/PermABApplication.pdf>. This application will require you to obtain and submit a certification from your attending physician that you have a permanent disability that makes you unable to vote in person or use a voting machine. If the application is granted, you will be sent an

absentee ballot application for every election. Every four years you must submit a written statement asserting your continuing permanent disability, but you need not file a new physician certification.

Do the voting machines need to be accessible to voters with mobility disabilities and visual disabilities?

The Help America Vote Act of 2002 (HAVA) requires that voting systems must be accessible for people with disabilities, including those with mobility disabilities and those who are blind or have other visual disabilities. This means that there must be at least one voting machine in each polling precinct or division that is accessible for people with disabilities to assure that they have the same opportunity to vote independently and privately like other voters. Poll workers should be trained and knowledgeable in use of the accessibility features and should make sure that they are fully operational when the polls open.

Am I allowed to have someone help me in the voting machine?

You have the right to assistance to help you use the voting machine and vote if you cannot read or write, have difficulty understanding English, cannot read the names on the ballot, or cannot operate the voting machine due to a visual, physical, or other disability. You can be assisted by a relative, friend, neighbor, aide, or another voter. You cannot receive assistance from a Judge of Elections, your union representative, or your employer.

When you register to vote, you can say whether you will need assistance and, if you do, that information will be in the polling book. If you did not say that assistance was needed when you registered and the information is not in the polling book, you still have the right to have assistance when voting as long as you sign a "Declaration of Need of Assistance Form" at the polling place. The form will ask for your name and address, the reason you need assistance, and the name and address of the person who provides you with assistance.

Do election officials have to make any other modifications for people with disabilities at the polling place?

Yes. The ADA requires that election officials make reasonable modifications to their policies practices and procedures when necessary for people with disabilities unless doing so would fundamentally alter the

nature of the service, program, or activity. Reasonable accommodations may include:

- Assuring that voters with disabilities who use service animals are permitted to enter the polling place and voting machine.
- Making chairs available for voters unable to stand in line due to disabilities or allowing such voters to go to the front of the voting line.
- Placing the voting machine in a place with sufficient light for voters with low vision.
- Allowing voters with disabilities that limit their manual dexterity to make a mark rather than sign their name or by allowing others to sign for them.

The ADA also requires election officials to make sure that their communications with people with disabilities are as effective as those provided to people without disabilities. This may require election officials to provide auxiliary aids and services to voters with sensory disabilities, such as:

- Providing sample ballots, voting instructions, or other written materials in alternative formats, such as braille, for people with visual disabilities.
- Providing a magnifying glass to enlarge the print on the voting machine for voters with low vision.
- Having pen and paper available at the check-in table so that poll workers can communicate with individuals who are deaf or hard of hearing about routine matters.
- Having qualified sign language interpreters available to travel to polling places for more complex questions or issues by voters who are deaf or hard of hearing.
- Making sure that election agencies' telephone communications are accessible to people who are deaf, hard of hearing, or have speech impairments, such as using TTYs.

Can election officials bar a person from voting because they deem him or her not competent to vote or understand the ballot?

No. Pennsylvania has no voting competence laws. Election officials and poll workers, therefore, cannot question the ability of a voter with an intellectual disability, mental illness, brain injury, dementia, or other cognitive limits and certainly may not bar them from exercising their right to vote. Nevertheless, out of ignorance or paternalism, some election officials or poll workers may try to discourage such individuals from voting or even try to bar them from doing so. If a person with a disability encounters such an obstacle, he or she can file a complaint by contacting 1-877-VOTESPA (1-877-868-3772) or fill in the complaint form online at <https://www.pavoterservices.pa.gov/Pages/ReportElectionComplaints.aspx>.

How can DRP help me with voting issues?

If you encounter voting obstacles – such as, inaccessible polling places, inaccessible voting machines, refusal to allow assisted voting, refusal to provide reasonable accommodations or effective communication, barring or intimidating voters due to disability – you should contact Disability Rights Pennsylvania at the number below to report such issues in addition to filing a complaint with the state at <https://www.pavoterservices.pa.gov/Pages/ReportElectionComplaints.aspx>.

Contact Information

If you need more information or need help, please contact Disability Rights Pennsylvania (DRP) at 800-692-7443 (voice) or 877-375-7139 (TDD). The email address is: intake@disabilityrightspa.org.

If you encounter any problems at your polling place on Election Day, call DRP's Election Day hotline at 717-839-5227 or email us at electionday@disabilityrightspa.org between 7am and 8pm on Election Day. After Election Day, contact DRP at 800-692-7443 (voice) or 877-375-7139 (TDD) or intake@disabilityrightspa.org.

The mission of Disability Rights Pennsylvania is to advance, protect, and

advocate for the human, civil, and legal rights of Pennsylvanians with disabilities. Due to our limited resources, Disability Rights Pennsylvania cannot provide individual services to every person with advocacy and legal issues. Disability Rights Pennsylvania prioritizes cases that have the potential to result in widespread, systemic changes to benefit persons with disabilities. While we cannot provide assistance to everyone, we do seek to provide every individual with information and referral options.

IMPORTANT: This publication is for general informational purposes only. This publication is not intended, nor should be construed, to create an attorney-client relationship between Disability Rights Pennsylvania and any person. Nothing in this publication should be considered to be legal advice.

PLEASE NOTE: For information in alternative formats or a language other than English, contact Disability Rights Pennsylvania at 800-692-7443, Ext. 400, TDD: 877-375-7139, or intake@disabilityrightspa.org.