



## **FACT SHEET: VOTING BY PEOPLE WITH DISABILITIES ENSURING PARTICIPATION FOR ALL CITIZENS**

Voting is a fundamental right, privilege, and duty. People with disabilities, however, may find themselves excluded from voting. People with physical disabilities, including those who use wheelchairs and walkers, may be unable to vote at their local polling places on Election Day due to physical barriers, precluding them from participating in local voting where they can meet their neighbors and polling officials and participate in civic life.

People with intellectual or mental health disabilities may be excluded from voting because of poll workers' prejudice and ignorance as to their capabilities or misunderstanding about the law. People with sensory disabilities may be unable to fully participate in the voting process due to communication barriers. This Fact Sheet will briefly summarize some of the key legal requirements with which local election officials must comply to assure that people with disabilities have equal access to the voting process.

### **PHYSICAL ACCESS**

The Voting Accessibility for the Elderly and Handicapped Act has required since 1984 “that all polling places for Federal elections are accessible to handicapped and elderly voters.”

In 1990, Congress passed the Americans with Disabilities Act (ADA). The ADA requires that any time a new site like a polling place is selected, an accessible site must be selected. This requires that local governments assure that people with disabilities can access and use polling places. When selecting new polling places, officials should make sure that they are accessible to individuals with mobility disabilities. Officials must also survey all existing polling places to identify accessibility issues. Polling places with accessibility issues should be relocated to accessible sites. If the polling places cannot be relocated to accessible sites, officials must assure that temporary measures (such as portable ramps) are in place and used on election days to provide access to voters with mobility disabilities.

Assessing accessibility requires a comprehensive review of the measurements and locations of numerous aspects of the facility. For instance:

- Is there an accessible entrance (e.g., are there any steps to the entrance or even a threshold that exceeds ½ inch); is the entry door at least 32 inches wide to accommodate a wheelchair; is the door hardware accessible?
- Is there an accessible route from the parking lot to the voting booth (e.g., are there curb ramps; are the exterior sidewalks and walkways in good repair; are the hallways at least 36 inches wide; are there any obstructions in the hallway; are all doorways 32 inches wide)?
- Is the voting area accessible (e.g., are the check-in tables and voting machines arranged to provide a clear path of travel to the voting machine)?

- Is there accessible parking (e.g., are there designated accessible spaces and are they sufficiently wide to accommodate accessible vehicles)?

The United States Department of Justice (DOJ) has published *the ADA Checklist for Polling Places*, <http://www.ada.gov/votingchecklist.htm>, which comprehensively details the accessibility standards that you should use and instructions on taking the necessary measurements.

## **COMMUNICATION ACCESS**

The Help America Vote Act of 2002 (HAVA) requires voting systems must be accessible for people with disabilities, including the blind and visually impaired, in a manner that provides the same opportunity for access and participation as other voters. This means that polling precincts must provide at least one voting machine that is accessible for people with disabilities and usable by persons who are blind or have low vision. This ensures that voters with disabilities have the same opportunity to vote independently and privately as other voters.

Having accessible voting machines, however, is not enough. It is essential that poll workers are fully trained in how to use the accessibility features so that they can properly assist those who need the features. In addition, poll workers must establish that the accessibility feature is fully operational when the polls open (which may require setting up the feature and machine up to an hour before the polls are open).

In addition to HAVA's requirements for accessible voting machines, the ADA also includes provisions relating to communications with individuals with disabilities. Generally, local officials, including election officials, must assure that their communications with people with disabilities are as effective as those provided to people without disabilities. This may require election officials to provide appropriate auxiliary aids and services to voters with disabilities to assure effective communication with such voters, such as:

- Providing sample ballots, voting instructions, or other written election materials in alternative formats, such as large print or braille, for voters with visual disabilities.
- Providing a magnifying glass to enlarge the print on the voting machine for voters with low vision.
- Providing instructions at the polling place (e.g., announcing when the polls will close, directing voters to stand in a particular line) in a manner that can be understood by those who are deaf or hard of hearing.
- 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 if a deaf or hard of hearing voter has a more complex questions or issues and they cannot effectively communicate through other means.

- Making sure that election agencies' telephone communications are accessible to those who are deaf, hard of hearing, or have speech impairments, such as using TTYs.

## **REASONABLE ACCOMMODATIONS**

Local election officials have a duty under the ADA to provide reasonable modifications in their policies, practices, and procedures when necessary to avoid disability-based discrimination unless doing so would fundamentally alter the nature of the service, program, or activity. In the election context, these types of accommodations might include:

- Assuring that voters with disabilities who use service animals are permitted to enter the polling place and voting machine.
- Having chairs available for individuals who are unable to stand in line due to disabilities.
- Allowing those whose disabilities preclude them from waiting lengthy periods to go to the front of the voting line.
- Placing the voting machine in a location where there is sufficient light for people with low vision to see the ballot.
- Allowing voters with disabilities impacting their manual dexterity to make a mark in lieu of signing their name or allow others to sign their name.

## COMPETENCE STANDARDS

Pennsylvania has no voting competence laws that impede the rights of individuals with intellectual disabilities, mental illness, brain injury, dementia or other cognitive limitations from exercising their right to vote.

Nevertheless, either out of ignorance or paternalism, some poll workers may conclude that such individuals are not permitted to vote and either discourage them from voting or outright bar them from voting. It is vital that all poll workers understand that precluding or discouraging individuals from voting based on their disabilities is unlawful and should be promptly reported to proper authorities.

### 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](mailto: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](mailto: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](mailto: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 [drnpa-hbg@drnpa.org](mailto:drnpa-hbg@drnpa.org).**