

VOTING

BACKGROUND

Federal law says that every voter can receive, mark, verify, and cast a private and independent ballot. Federal law also requires that all methods of voting—in-person and vote-by-mail—be fully accessible to voters with disabilities.

The Voting Rights Act (VRA) of 1965 says that any voter who needs assistance to vote can have a person of their choice help them cast their ballot. People who cannot help the voter are the person's employer, a supervisor or leader of the person's employer, or a union worker or head.

The Americans with Disabilities Act (ADA) says that state and local governments must provide a way for most people with disabilities to participate in all parts of voting.

The Help America Vote Act (HAVA) says that voters with disabilities have the same rights to vote “privately and independently”. Every polling place must have at least one accessible voting system so that a person can vote without help from someone else unless that help is an accommodation for a person's disability.

About 16 percent of voters in the United States have a disability. Despite the size, diversity, and political power of the disability community, America's electoral system has a long history of barriers and challenges for people with disabilities. Some states are passing laws that will make it harder for people with disabilities to vote. Some of these actions include:

- Limiting the use of mobile voting units. These have been used to help with the shortage of accessible and safe polling locations;
- Making it harder to access absentee ballots; and
- Limiting the use of secure ballot drop boxes

MARCH 2022

FOR MORE INFORMATION PLEASE CONTACT

American Association on Intellectual and Developmental Disabilities at (202) 387-1968
Association of University Centers on Disabilities at (301) 588-8252 • Autism Society at (301) 657-0881
National Association of Councils on Developmental Disabilities at (202) 506-5813
Self Advocates Becoming Empowered at SABEnation@gmail.com
The Arc at (800) 433-5255 • United Cerebral Palsy at 800-872-5827

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ISSUES

Title II of the ADA ensures equal access to voting for people with disabilities. Current federal election law needs strengthening to address the following problems:

- Untrained poll workers, voting machine malfunctions, and a lack of accessible voting machines in polling locations prevent voters with disabilities from being able to vote.
- Paper absentee ballots cannot be completed privately and independently by those who need assistance to read the ballot.
- Paper voter registration and absentee ballot request forms are inaccessible to blind and low-vision voters and voters who have intellectual or other cognitive disabilities.
- Polling locations are not always accessible for individuals with different mobility needs such as getting around a location, and in and out of buildings.
- Candidate websites and election office websites are rarely accessible.
- Individuals with disabilities often don't have the information about accessible polling locations. Election materials must be accessible in all formats and for people with different disabilities. This includes large print, Braille, a person to read to them, plain language, and more.
- Training is needed for election officials, poll workers, and election volunteers on how to support people with disabilities to access and participate in elections.

WHAT SHOULD CONGRESS DO?

- Pass the **Freedom to Vote: John Lewis Voting Rights Advancement Act (H.R. 5746)** to have stronger legal protections against voting policies and practices that prevent people with disabilities from participating in elections.
- **Remove paper ballot requirements** in all federal legislation.
- **Pass legislation to collect data** on how many people with disabilities participate in federal elections. This will help election offices meet the needs of people with disabilities.

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