

BACKGROUND

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

The Voting Rights Act (VRA) of 1965 says, any voter who needs assistance can have someone help them vote. People who cannot help are the employer or supervisor, or a union worker.

The Americans with Disabilities Act (ADA) says state and local governments must provide a way for people with disabilities, to participate in the election.

The Help America Vote Act (HAVA) says that voters with disabilities have the right to vote “privately and independently”. Every polling place must have at least one accessible voting system available. This is so that a person can vote without help from someone else. The only time a person should help another person is if an accommodation is requested.

About 16 percent of voters in the United States have a disability. The American electoral system has a history of barriers and challenges to people with disabilities. Despite the large number of people with disabilities who are ready to vote, there continue to be barriers to voting. Some states are even passing new laws that make it harder for people to vote. Some of these actions include:

- Limiting the use of mobile voting units. These are 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.

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:

- Inadequate poll worker training, voting machine malfunctions, and a lack of accessible voting machines in polling locations prevent voters with disabilities from being able to vote.

- Paper ballots (those that are mailed in when completed) that cannot be completed privately and independently by those who need assistance to read the ballot.
- Paper voter registration and absentee ballot request forms that are inaccessible to blind and low-vision voters, and voters who have intellectual or other cognitive disabilities.
- Polling locations that are not accessible for individuals with different mobility needs.
- Candidate websites and election office websites that are not accessible.
- Election materials that are not available in accessible formats for people with disabilities.
- Inadequate training for election officials, poll workers, and election volunteers to support people with disabilities to access and participate in elections.

WHAT SHOULD CONGRESS DO?

- Pass the John Lewis Voting Rights Advancement Act (H.R. 14) to have stronger legal protections against voting policies and practices that prevent people with disabilities 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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FOR MORE INFORMATION PLEASE CONTACT

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