



Advancing the human and civil rights of people with disabilities

SELF-ADVOCACY ASSISTANCE ★ LEGAL SERVICES ★ DISABILITY RIGHTS EDUCATION ★ PUBLIC POLICY ADVOCACY ★ ABUSE INVESTIGATIONS

Equip for Equality's Testimony to the Presidential Commission on Election Administration

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Cincinnati, Ohio

Equip for Equality (EFE), the independent, not-for-profit organization designated by the Governor in 1985 to administer the federally mandated Protection and Advocacy system for people with disabilities in Illinois, appreciates the opportunity to present comments to the Presidential Commission on Election Administration regarding the accessibility issues faced by voters with disabilities. Equip for Equality's mission is to advance the civil and human rights of people with disabilities and is accomplished through self-advocacy training and technical assistance, legal services, public policy initiatives, and investigations of abuse and neglect in all settings that serve people with disabilities.

Introduction

Historically, people with disabilities have been underrepresented at the polls. Individuals with disabilities are more likely to report that they have encountered or expect to encounter problems when they go to vote. These problems include difficulty in getting to the polls, difficulty waiting in line, being confused by the voting process, having difficulty with the ballot or voting equipment, having problems seeing or reading the ballot, and not getting adequate help from poll workers. Based upon U.S. Census Bureau data, 15.6 million people with disabilities voted in the 2012 Presidential Election, which represents only 56.8% of eligible voters with disabilities. In contrast, 62.5% of eligible voters without disabilities voted in that election. Thus, despite the enactment of the *Help America Vote Act of 2002* (HAVA) and expanded opportunities to register and vote under state law—registration and voting by mail (absentee), early voting, and grace period registration and voting—people with disabilities continue to be underrepresented at the polls. (*Recent legislation in some states to limit early voting and impose other obstacles to voting is impacting these advances).

Barriers to Full Participation of People with Disabilities in the Electoral Process

1. Inaccessibility of Polling Places

It is a sad commentary that when the 2008 election was held, less than a third of all

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polling places were barrier-free. While this is the most recent national data available, based upon polling place accessibility surveys conducted by EFE, consumer surveys, and reports made to EFE's Election Day Helpline, there is no question that physical access to the polls continues to be a serious issue for voters with disabilities. This is true even though many of the physical access issues encountered by voters with disabilities could be remedied by simple measures at little or no cost. For example:

- Providing a parking area for voters with disabilities with clear signage exhibiting the international symbol for disability access
- Positioning the accessible voting machine in a way that provides unimpeded access and privacy
- Providing a working doorbell at the polling place entrance so that voters with disabilities requiring assistance to enter can alert election judges.

These physical barriers not only thwart voting by people with disabilities, they also send a strong message that persons with disabilities are not equal or welcome participants in the electoral process.

In Illinois, this problem is compounded by the fact that a determination as to whether a polling place is accessible is made by the local election authority in advance of the election and does not include day-of-voting barriers such as machine placement. This self-assessment is required to be reported to the Illinois State Board of Elections (ISBE). However, the accuracy of an assessment by a local election authority that a polling place is accessible is not independently verified. Nor is there any penalty or consequence if a local election authority fails to file such a report with ISBE.

With the termination of HAVA funding to states and local units of government to make polling places, including paths of travel, entrances, exits, and voting areas of each polling place accessible to people with disabilities, there are fewer resources and fewer incentives for such authorities to remedy these problems.

2. Inadequate Election Authority/Election Judge Training

HAVA's mandate to equip every polling place with at least one electronic voting machine does not necessarily mean that voters with disabilities have the ability to vote in the same manner as voters without disabilities, including privately and independently. Voters with disabilities frequently report that the so-called "accessible" machine does not work (at times not even plugged in), that election judges do not know how to start or operate the machine, and that the machine is not positioned in a way that is easily accessed or provides privacy. We have heard from voters with disabilities who have been asked to wait for over half an hour while an election judge troubleshoots a machine

or waits for a technician. We have encountered election judges who fail to display or offer aids such as a magnifying glass to voters with visual disabilities, who challenge the right or competence of individuals with disabilities to vote, and who question the right of a voter with a disability to be assisted by a person of his/her choosing when voting. All of these factors contribute to lower levels of participation in the electoral process by people with disabilities (and a less satisfying voting experience) and all of these factors demonstrate a critical need to improve the education and training of election authorities and poll workers in a way that will promote, rather than deter, voting by people with disabilities.

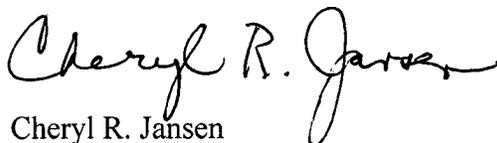
3. Lack of Transportation

A commonly cited reason for people with disabilities *not* voting is a lack of transportation to the polling place (which, in turn, is tied to the lower income levels of people with disabilities). Although absentee voting is now an option for all qualified voters in Illinois (with no excuse or reason required), many voters with disabilities – and those without – find it a poor substitute for engaging in the voting process along with their fellow citizens on Election Day. (Voters with disabilities have expressed similar objections to curbside voting, along with privacy concerns) While early voting provides people with disabilities some flexibility as to when they vote it still requires access to transportation. The lack of accessible transportation that is affordable and reliable is not an issue addressed by HAVA or state law. However, for voters with disabilities to become full and equal participants in the electoral process, it is a problem that must be recognized and addressed.

Conclusion

Although there have been some strides made since the passage of HAVA in 2002, voters with disabilities continue to face obstacles to full and equal participation in the electoral process. Equip for Equality urges the Commission to carefully consider these ongoing barriers in preparing its recommendations and final report to President Obama.

Respectfully submitted,



Cheryl R. Jansen
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