

National Council on Disability

Roundtable on Voting Accessibility

Thursday, July 11, 2013

statement of Jim Dickson acting Co-Chair

NCIL Working Group on Voting Rights

I am Jim Dickson, Acting Co-Chair of the National Council on Independent Living's (NCIL) Voting Rights Working Group. I have two disabilities, I am blind and I am blunt.

The National Council on Independent Living is the longest-running national cross-disability, grassroots organization run by and for people with disabilities. Founded in 1982, NCIL represents thousands of organizations and individuals including: Centers for Independent Living (CILs), Statewide Independent Living Councils (SILCs), individuals with disabilities, and other organizations that advocate for the human and civil rights of people with disabilities throughout the United States.

I have 29 years experience with election administration and nonpartisan voter registration and education issues. I am immediate past chair of the United States Election Assistance Commission's Board of Advisors. I've been privileged to be part of the disability and civil rights leadership teams which played major roles in both the drafting and passage of the national voter registration act (NVRA) and the Help America Vote Act (HAVA).

The right to vote as Thomas Paine and many others have said is the foundation on which all of the rights which we Americans treasure is based.

I will limit these remarks to two general points. First the voter registration gap for Americans with disabilities and the failure to implement section 7 of the national voter registration act. Second the impact on voters with disabilities of long lines at polling places

. One cannot vote if one is not registered to vote. This is particularly important for Americans with disabilities because study after study documents that transportation or the lack thereof is a major barrier for

people with disabilities. If many of us cannot go where we want when we want, the opportunity to register to vote is limited. It is true that many election officials have on their websites the ability to order a voter registration form by mail, but most of these sites are not accessible and beyond that there is a digital divide and many people with disabilities do not have the resources to pay for access to the Internet or a computer.

I am holding in my hand the pen that President Clinton used when he signed the NVRA into law in 1993. I have not mounted it because the National Voter Registration Act is still an unfulfilled promise. I keep the pen in my sock drawer to remind myself every morning that millions of people with disabilities and other poor and low-wage Americans are not registered to vote.

Numerous studies have shown that people with disabilities vote at a significantly lower rate than other voters. Professor Douglas Kruse of Rutgers University has concluded that this disability gap was about 12% in 2012. He has concluded that "Closing the disability gap could add 2.2 million voters in the near term, and 3.0 million voters over the longer term.

One reason for this disturbingly low turnout is the failure of the federal government to adequately enforce section 7 of the National Voter Registration Act, which was intended to enhance the ability of people with disabilities to vote. Section 7 is designed to offer registration opportunities for people who do not have driver's licenses, for either economic lifestyle or disability reasons. Section 7 requires the States to offer opportunities to register at certain State and local offices, including offices administering programs for public assistance and assistance for people with disabilities.

Section 7 covers all States ,except for 6 which either do not require voter registration, or allow same day registration at polling places. The six states not covered are :Idaho, Minnesota, New Hampshire, North Dakota, Wisconsin and Wyoming.

Regrettably since Section 7 was enacted in 1993, every President , including the current occupant of the Oval Office, *and* the Department of Justice have refused to enforce section 7. It is true that from time to time the department has made a little bit of noise about enforcing the law but the facts are the facts and the law has not

been enforced and is not implemented.

The benefits which enforcement could bring are shown by the experience of Ohio and Missouri, where there has been strong implementation of Section 7 as a result of law suits filed by the League of Women Voters, Project Vote and DEMOS. The results are clear. In 2009 and 2010 Ohio and Missouri registered 368,000 new voters under Section 7. This was 32% of the total of new voters registered under section 7 in all states subject to the NVRA. Yet, Missouri and Ohio have only 6% of the total population of all States subject to NVRA. (See Attachment 1)

Section 7 is important not only to new voters, but to voters who must reregister because they move.

Studies show that more than half of registration applications involve changes for voters previously registered. In 2012, the States processed about 51 million registration applications. About 23 million (45%) were from voters not previously registered. About 28 million (55%) were from previously registered voters requesting change of name, address or party affiliation.

From EAC Report of Impact of National Voter Registration Act of 1993.

Like the rest of us disabled poor and low income citizens move frequently. My personal experience organizing nonpartisan voter registration and education drives in every state in the union, makes me think that poor and disabled Americans move more frequently than the rest of the citizenry. Therefore it is essential that social service agencies offer voter registration opportunities not only at intake but also when their clients are being recertified.

Waiting in line to vote is a major barrier for many people with disabilities. Most Americans with disabilities have invisible disabilities and many of these invisible disabilities make it difficult to impossible for people to stand in line. For example multiple sclerosis. Of course some citizens with MS use wheelchairs and walkers, but many more can walk for short distances without the aid of a walker crotches or wheelchair. Extreme fatigue can be induced by standing moreover hot weather and bright sun exacerbates people's symptoms thanks to science many amputees now walk with prosthetic legs and feet and it is not possible to look at these individuals and see their prosthetics.

Amputation causes quote Phantom pain unquote and depending on the nature of the amputation while walking is possible standing in one place can be challenging to an extremely difficult. It is worth noting that many young women and men who have served our country in combat are among the these amputees.. The National Council on Independent Living has developed a recommendation that we would like to see become standard operating procedure in every polling place in the country. Currently there are jurisdictions that already implement our recommendation. We call on all states, jurisdictions and the federal government to implement the following statement.

NCIL Position Statement on Polling Location Waiting Lines

Election reform is a priority of the National Council on Independent Living and will remain an essential objective of our organization and its members until all barriers to the full participation of people with disabilities in the voting process have been fully addressed.

According to Congressman John Lewis of Georgia, “voting ought to be as easy as getting a glass of water”.

We have reviewed the 2012 Presidential election polling place data that is being analyzed by Rutgers/Syracuse Universities and it shows that 30% of voters with disabilities reported difficulty in voting at a polling place in 2012, compared to 8% of voters without disabilities.

Lines outside/inside polling locations were frequently long and waiting time for many voters was often lengthy. Chairs shall be available at all polling locations for voters that are unable to stand for long periods of time.

Lines in the polling places with no reasonable accommodation are disenfranchisement.

This concludes my remarks. NICL and I wish to thank the National Council on Disability and the Presidents Election Administration commission for the opportunity to speak this morning . I am available for questions.

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Attachment to Statement of Jim Dixon

- Totals as a result of the Ohio and Missouri lawsuits:
 - Missouri total is 531,638. Please note August 2008 is half of a month (08/16/08 thru 08/31/08). Ohio's total is 592,572.
- State Data by Month:

Voter Registration Applications Transmitted by Missouri County Department of Social Services to Elections Officials	
Month	Transmitted Voter Registrations
August 2008	8,083
September 2008	18,332
October 2008	14,331
November 2008	9,447
December 2008	9,520
January 2009	10,346
February 2009	8,980
March 2009	11,886
April 2009	11,408
May 2009	10,255
June 2009	11,602
July 2009	11,694
August 2009	11,744
September 2009	10,863
October 2009	11,377
November 2009	10,053
December 2009	9,570
January 2010	10,073
February 2010	8,280
March 2010	10,696
April 2010	8,973
May 2010	8,261
June 2010	10,246
July 2010	9,300
August 2010	10,077
September 2010	9,147
October 2010	13,575
November 2010	9,058
December 2010	8,235

January 2011	7,923
February 2011	6,373
March 2011	7,260
April 2011	7,814
May 2011	7,537
June 2011	8,940
July 2011	8,554
August 2011	10,440
September 2011	9,621
October 2011	9,431
November 2011	8,546
December 2011	8,936
January 2012	9,766
February 2012	8,042
March 2012	8,806
April 2012	7,917
May 2012	8,431
June 2012	8,674
July 2012	9,338
August 2012	10,466
September 2012	9,299
October 2012	
November 2012	8,181
December 2012	6,544
January 2013	7,317
February 2013	5,142
March 2013	6,692
April 2013	6,325
May 2013	6,165
Prepared by Demos, based on Missouri DSS monthly data reports	

Voter Registration Applications Transmitted by Ohio County Departments of Jobs and Family Services to Local Election Officials	
Month	Transmitted Voter Registrations
January 2010	13,746
February 2010	15,670
March 2010	20,428
April 2010	18,152

May 2010	16,405
June 2010	17,203
July 2010	18,193
August 2010	18,370
September 2010	16,979
October 2010	13,900
November 2010	11,077
December 2010	11,114
January 2011	12,045
February 2011	10,982
March 2011	17,664
April 2011	17,106
May 2011	19,780
June 2011	20,995
July 2011	17,244
August 2011	21,220
September 2011	18,248
October 2011	14,520
November 2011	12,879
December 2011	12,640
January 2012	13,788
February 2012	12,830
March 2012	15,210
April 2012	14,958
May 2012	17,740
June 2012	16,377
July 2012	18,570
August 2012	16,124
September 2012	13,901
October 2012	12,599
November 2012	7,656
December 2012	6,401
January 2013	8,296
February 2013	6,623
March 2013	7,694
April 2013	8,702
May 2013	8,543
Prepared by Demos, based on Ohio ODJFS monthly data reports	

- To come up with the statement about the monthly averages of Ohio and Missouri compared to other states in the country, you can use EAC data. Here is a chart with the 2009-2010 data. The 2011-2012 data recently was released recently but we haven't analyzed that data yet. I provided the total for the 2 year period as well as the monthly averages (which were found by dividing the total by 24).

State	2009-2010 Total	Monthly Average
Alabama	19,059	794
Alaska	392	16
Arizona	16,694	696
Arkansas	4,078	170
California	46,630	1,943
Colorado	37,898	1,579
Connecticut	7,324	305
DC	792	33
Delaware	1,741	73
Florida	13,707	571
Georgia	279	12
Hawaii	436	18
Illinois	54,138	2,256
Indiana	20,489	854
Iowa	0	0
Kansas	7,966	332
Kentucky	39,020	1,626
Louisiana	6,037	252
Maine	7,112	296
Maryland	5,784	241
Massachusetts	0	0
Michigan	24,262	1,011
Mississippi	8,378	349
Missouri	121,037	5,043
Montana	6,564	274
Nebraska	785	33
Nevada	1,677	70
New Jersey	409	17
New Mexico	0	0
New York	150,526	6,272
North Carolina	72,128	3,005
Ohio	246,923	10,288
Oklahoma	11,525	480
Oregon	9,956	415

Pennsylvania	4,179	174
Rhode Island	707	29
South Carolina	6,466	269
South Dakota	4,405	184
Tennessee	124,709	5,196
Texas	3,334	139
Utah	2,930	122
Vermont	461	19
Virginia	32,368	1,349
Washington	6,612	276
West Virginia	NA	
TOTAL US	1,129,917	

- All states are covered by the NVRA except for Idaho, Minnesota, New Hampshire, North Dakota, Wisconsin and Wyoming.