



## National Council on Disability

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An independent federal agency making recommendations to the President and Congress to enhance the quality of life for all Americans with disabilities and their families.

### **Testimony of Clyde Terry, Member, National Council on Disability before the Presidential Commission on Election Administration**

**Philadelphia, PA**

**September 4, 2013**

- The National Council on Disability (NCD) is an independent federal agency that provides the Administration and the U.S. Congress with thoughtful and timely analysis and recommendations to inform policy development, revision, and enforcement efforts. As a federal voice for 56 million Americans with disabilities, NCD is committed to advancing policy solutions that create a more inclusive country in which all Americans have equal opportunities to contribute to and participate in society.
- The right to vote is one of the most important and cherished ways in which we participate in American society. Accordingly, NCD recently focused on looking back over the last ten years under the Help America Vote Act, to assess the progress as well as the barriers that remain. We'll be issuing a report on the topic in the month of October, which will be available on our website at [www.ncd.gov](http://www.ncd.gov).
- Because my time is short today, I'll offer only three topline recommendations that we suggest the Commission include in its report to the President, then provide some contextualizing background:
  1. State and local election officials must be held accountable for compliance with all physical accessibility provisions of the Help America Vote Act, the Americans with Disabilities Act, and other relevant voting rights acts.
  2. States should upgrade their accessible voting equipment to assure universal access for people with disabilities.
  3. Training programs for election officials should include how to operate voting equipment, disability cultural competency and awareness, and related issues.

Now I'll briefly touch on a few key examples of barriers to voting that people with disabilities face that help explain the justification for each of those recommendations:

- Unfortunately, people with disabilities continue to encounter significant barriers to exercising their right to vote, which compromises our ability to be full citizens. And the impact of the barriers is significant, because according to the U.S. Census Bureau, Americans with disabilities comprise nearly 20 percent of the population.
- A 2008 Government Accountability Office (GAO) report found that in the 2008 election, which is the last time they conducted a field study of a general election, only 27 percent of polling places were accessible to people with disabilities.<sup>1</sup> That means voters with disabilities faced a nearly 75 percent chance of not being able to use their assigned polling place to vote.
- The Federal Election Commission confirms that fact, reporting that more than 20,000 polling places across the nation are inaccessible.
- A recent report by Rutgers University found that 15.6 million people with disabilities reported voting in the November 2012 elections. The voter turnout rate of people with disabilities was 5.7 percentage points lower than that of people without disabilities. Researchers opine that inaccessible polling places play a major role “both by making voting more difficult and possibly sending the message that people with disabilities are not welcome in the political sphere.”<sup>2</sup>
- In 2012, NCD partnered with researchers to develop, test, and promote an open-ended Voting Experience Questionnaire to collect information on the experiences of voters with disabilities during the 2012 general election cycle, including Election Day. The Questionnaire was broadly distributed and approximately 900 responses were gathered.
- Nearly 40 percent of respondents to the Questionnaire encountered physical barriers at into their polling places. The most common barriers included:
  - No or limited accessible parking;
  - Inaccessible, locked, or separate entrances to the polling place;
  - Long lines and excessive wait times with no chairs;
  - Stairs;
  - Poor signage and no or unclear directions to accessible entrances and elevators;
  - Doors that were heavy or hard to open, or had no automatic door openers;
  - No curb cuts, poorly maintained sidewalks, and unimproved walkways;
  - Narrow doorways; and
  - No ramp or a ramp that was too steep.
- Nearly 54 percent of respondents to our Questionnaire encountered barriers inside the polling place. The primary barriers were:
  - Inaccessible voting machines;

- A lack of training and awareness among poll workers on how to assist voters with disabilities; and
  - Limitations to the right to vote privately and independently.
- 45 percent of the reported barriers inside the polling place involved voting machines.
  - 20 percent of the respondents to our Questionnaire said they were prevented from exercising a private and independent vote.
  - As an individual with a significant vision impairment, were my time not so short, I could regale you with plenty of stories of my own efforts to secure my right to cast a private, independent ballot over the years, and the frustration and I dare say humiliation that so often comes with Election Day for people with disabilities.
  - I applaud the Commission for meeting with members of the disability community earlier this summer, and I implore the Commission to take the disability community's experiences and advice under serious advisement as you craft your important report to the President.
  - Disability is a natural part of the human experience, and whether by birth, accident, war, or age, anyone at any time can become a person with a disability. Making policy that benefits people with disabilities benefits everyone.
  - The constitutional right to vote is an invaluable cornerstone of civic participation in a democracy. So that this treasured principle does not ring hollow for millions of Americans with disabilities – a group any of us could join in an instant – we must make and enforce policy that ensures that the right to vote privately and independently is never in question.
  - Thank you for the opportunity to testify before you today. I have submitted these comments electronically to the Commission's staff in advance of today's hearing.

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<sup>1</sup> U.S. Gov't Accountability Office, GAO-09-685, *Voters With Disabilities: More Polling Places Had No Potential Impediments Than in 2000, But Challenges Remain* (2009), <http://www.gao.gov/cqi-bin/getrpt?GAO-09-685>.

<sup>2</sup> Lisa Schur, Douglas Kruse, and Meera Adya, *Survey Results of Polling Place Accessibility in the 2012 Elections, Presentation to the Election Assistance Commission*, Washington, D.C., May 9, 2013.