



Disability Rights FLORIDA

Comments for Presidential Commission on Election Administration
Miami, Florida
June 28, 2013

Thank you for the opportunity to submit these comments on behalf of Disability Rights Florida. Our agency is the designated protection and advocacy system for individuals with disabilities in the state of Florida. Established in 1987, Disability Rights Florida is a statewide, not-for-profit corporation. Disability Rights Florida has authority and responsibility under eight federal grants. One of these grants is under the Help America Vote Act (HAVA) that authorizes protection and advocacy systems to "ensure the full participation in the electoral process for individuals with disabilities, including registering to vote, casting a vote and accessing polling places." This unique role under HAVA provides us the opportunity to lend our expertise to voters, advocates, and election officials who are trying to comply with HAVA and other voting statutes. Our work under HAVA is referred to as PAVA (Protection and Advocacy for Voting Access).

Our comments below address voting accessibility for individuals with disabilities:

Enforcement of Section 7 of the NVRA regarding Voter Registration of People with Disabilities

Section 7 of the National Voter Registration Act (NVRA) was created to enhance voting opportunities and to increase the historically lower voter registration rates of minorities and persons with disabilities. This section specifies that voter registration opportunities must be offered through all offices that provide state-funded programs engaged in providing services to persons with disabilities (42U.S.C. 1973 gg-5).

At a minimum, an offer to assist the individuals with a disability to register to vote must be made at the time of intake, recertification and change of address. If agencies perform these contacts by phone, internet or in the person's home, a voter registration offer is required in each of those instances. The NVRA requires agencies to specifically ask "If you are not registered to vote where you live now, would you like to apply to register to vote here today?". Agencies must then supply a voter registration form to people who want to register. The NVRA also requires agencies to "provide each applicant who does not decline to register to vote the same degree of assistance with regard to the completion of the registration application form as is provided by the office with regard to the completion of its own forms, unless the applicant refuses such assistance". Agencies that fail to comply with NVRA face possible Federal audits, withholding of Federal funds and/or fines by the Federal Election Commission.

In many states, services were formerly delivered to people with disabilities directly by state agencies. More commonly now, these services are contracted out by various state agencies to numerous providers, most of which have absolutely no knowledge of their obligation to assist their clients with disabilities in registering to vote. This is certainly the case in Florida and in looking at the information gathered by the Federal Elections Commission, it appears to be a national shortcoming. In 2010, national figures ranged from a high of 19,307 in Ohio to a low of zero in multiple states. Florida reported a total of 667 people with disabilities registered through this process, which is astoundingly low given the number of people with disabilities in Florida who receive state-funded services. We are currently working with the Florida Division of Elections to enhance their training for and outreach to providers of state-funded services that are not aware of this obligation. We are also going directly to provider groups ourselves and offering training to their members.

It is a travesty that more people with disabilities are not offered the required option for voter registration and assistance that is available from providers of state-funded services. We urge the immediate use of the full range of options in enforcing this provision.

Accommodations for People with Disabilities/Elders Who Cannot Stand in Long Lines to Vote

All but one of the calls we received through a national voter protection hotline during Early Voting and on Election Day in Florida were related to long lines. Secondary to this was the lack of availability of disabled parking because, as people were waiting a long time to vote, the parking places for people with disabilities did not turn over. Voters who called us to complain reported not seeing any signage giving information about who to ask for help or what were available as accommodations. Some voters reported poll workers stationed outside informing them of options as they approached the lines if they had signs of visible disabilities (e.g. walkers, crutches, portable oxygen, wheelchairs, scooters, etc.). Voters with hidden disabilities were far less likely to hear any information from poll workers on accommodations. What we learned in responding to these calls was that many local Supervisors of Elections have formal or informal policies about accommodations but the voters do not know about them in advance.

Some states have developed statewide options for people with disabilities who need accommodations at the polls. In Georgia, on Election Day any voter who is over the age of 75 or who is disabled and requires assistance is encouraged to come to the polls between 9:30AM and 4:30PM and may, upon request to a poll worker, vote immediately at the next available voting booth without having to wait in line. This notice must be displayed prominently in the voting place. In Rhode Island, if a voter appears who has (1) an obvious medical disability which, in the opinion of the poll worker, would cause the voter discomfort in standing in line, or (2) who has a physician note attesting that the voter has a disability which makes standing in line inadvisable, that voter may be allowed a priority position for voting. In Louisiana, if a voter has the required photo identification card attesting that he or she is in possession of a disabled parking permit, the voter may go to the front of the line.

Based on what was reported to us, we have the following recommendations that local Supervisors of Elections be required by states to:

- Develop policies specific to voters with disabilities/elders who are unable to stand in line to cast a ballot.
- Publicize these policies in advance of the time that absentee ballots can be requested. If voters know in advance what the accommodations will be, they can make more informed choices about voting in person or by mail. Minimally, this information can be easily posted on election websites.
- Post signage outside of the polling place telling voters who need on-site accommodations how to get them.

Thank you for this opportunity to submit comments. Please feel free to contact me if you need any further information.

Sincerely,



Dana L. Farmer

Director of Legislative and Public Affairs