

# DISABILITY RIGHTS

EAC Commissioner Donald Palmer



# VOTING RIGHTS AND DISABILITY RIGHTS

- Law Enforcement – Voting Rights Section and Disability Rights Section
- Collection of Evidence, Request to Monitor Polls
- Notify your County Attorney and State Election Officials
- Understand the Requirements; Establish a Program and Assign Personnel to Monitor Compliance



# **SECTION 301 (A) OF HAVA**

- **The voting system shall –**

**(A) be accessible for individuals with disabilities, including non-visual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as other voters:**



# IMPORTANCE OF HAVA

To the disability community, HAVA is more than an election reform statute; *it is a civil rights law*. It gave individuals with disabilities what no other previously civil rights statute had given before: the right to participate in election as other voters do and to cast a *private and independent ballot*.

- National Disability Rights Network.



# HAVA IMPACTS MORE THAN MACHINES

## ▪ **Voting Systems**

- At least one accessible voting machine per polling place
- Covers wide range of disabilities as defined by ADA, including physical, visual, cognitive

## ▪ **Polling Places**

- Is the polling place accessible? Under ADA, DOJ monitors whether polling places meets requirements.
- Is the machine accessible, in place and operational, allowing for voting in private
- Training
- Inspection, Checklists

## ▪ **Poll Workers**

- Interaction with voters is important
- You are responsible for your poll workers – take action against bad poll workers, document everything



# DISABILITY VOTING RIGHTS

- Section 301 (a) of the Help America Vote Act (HAVA) (DOJ Settlement with Palm Beach County 2017, lack of operational accessible machine)
- Title II of the Americans with Disabilities Act (ADA)
  - March 12, 2019 – DOJ Reaches Agreement with Harris County, Texas, to Ensure Polling Place Accessibility for Voters with Disabilities
  - February 26, 2019 – DOJ Reaches Agreement With Concord, New Hampshire, to Ensure Accessible Voting Machines in City Elections for Voters With Disabilities (provide voting machines that are accessible to voters who are blind or visually impaired)



# ADA VOTING INITIATIVE

- Title II of the Americans with Disabilities Act (ADA)

“Department’s ADA Voting Initiative, which focuses on protecting the voting rights of individuals with disabilities. A hallmark of the ADA Voting Initiative is its collaboration with jurisdictions to increase accessibility at polling places. Through this Initiative, the Department has surveyed more than 1,600 polling places and increased polling place accessibility in more than 35 jurisdictions, including Chicago, Illinois; Hidalgo County, Texas; Cumberland County, Pennsylvania; and Coconino County, Arizona.”



# VAEHA

- The Voting Accessibility for the Elderly and Handicapped Act of 1984 (VAEHA) requires accessible polling places in federal elections for elderly individuals and people with disabilities. Where no accessible location is available to serve as a polling place, voters must be provided an alternate means of voting on Election Day.



# SECTION 208

- Section 208 of the Voting Rights Act (12 DOJ cases since 1999)
- Lack of assistance or interference with assistance outside guidelines



# GOOD PRACTICES

- Establish Program – Seek Help from County and State
- Poll Worker Training
- Role playing
- Voter Training Workshops Before Elections
- Be inclusive - include disability advocates in pre election decisions, machine set up; polling place locations, election materials.
- Seek Post Election Feedback
- Document Everything.



# USEFUL WEBSITES

## 5 Polling place Solutions from DOJ

- [https://www.ada.gov/ada\\_voting/voting\\_solutions\\_ta/polling\\_place\\_solutions.htm](https://www.ada.gov/ada_voting/voting_solutions_ta/polling_place_solutions.htm)

## ADA Checklist

- [www.ada.gov/votingscrn.pdf](http://www.ada.gov/votingscrn.pdf)

## GAO Products, Review of Polling Places

- <https://www.gao.gov/products/GAO-18-4> (2016 election observations)
- <https://www.gao.gov/products/GAO-13-538SP> ( 2013 product)

