

METHODS PEOPLE WITH DISABILITIES USE TO VOTE

Future of California Elections Conference

Los Angeles, CA

March 3, 2014



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ABOUT DISABILITY RIGHTS CALIFORNIA

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Disability Rights California is an independent, non-profit, statewide organization mandated by the federal government to provide legal services to individuals with disabilities in California. Working in conjunction with people with disabilities, Disability Rights California works to advance the civil and service rights of people with disabilities.

Under the Help America Vote Act of 2002 (HAVA), Disability Rights California is charged with ensuring the “full participation in the electoral process for people with disabilities.”

Voting Methods

Like those without disabilities, not all voters with disabilities are the same. Each person has different needs and priorities. Therefore, they vote using different methods.

Paper Ballot

Many people go to their polling place and cast a paper ballot in the traditional fashion. This works well for those who can see the ballot and mark their selections. They may use adjustable tables, magnifying glasses or other adaptive equipment.

Curbside Voting

For a limited number of persons curbside voting is necessary because their polling place is inaccessible to them. For these individuals the poll-worker brings a ballot to the voter at curbside so they can cast their ballot.

Accessible Voting Systems

Many other people need accessible voting machines to cast their ballot. These may be individuals with vision, mobility, learning, intellectual, manual dexterity or other disabilities. The Secretary of State has certified four accessible voting systems which counties may use. The accessible voting systems allow voters with disabilities to cast their ballot privately and independently, in most cases using touchscreen technology.

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These systems can “read” the ballot to voters who cannot read, such as voters with vision, learning or other disabilities and allows them to cast their ballot privately and Independently.

In addition to preserving voters’ right to an independent and private ballot, they allow individuals with disabilities to be full participants in the democratic process.

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HAVA and state law require each polling place to have at least one accessible voting system. However, the Secretary of State requires one, and only one accessible voting system per polling place. This creates difficulties when a voter who requires the use of an accessible voting system cannot vote due to mechanical difficulties with the system.

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We believe more than one accessible voting system for each polling place would not only serve as a back-up system, but also, promote integration rather than segregation of persons with disabilities.

Vote By Mail

Whereas, at one time absentee voting (now called vote-by-mail) was primarily an accommodation for persons unable to get to the polls because of illness or disability. The vote-by-mail option seems to have devolved to a convenience for main stream voters who just don't want to go to the polls. The primary focus on the needs of people with disabilities seems to have been lost.

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Even though vote-by-mail is a great way for many voters with disabilities to vote, it is not the best method for many people with disabilities to vote. For many, with sight, mobility, dexterity or other disability the polling place is the only place where, with the help of an accessible machine, they can cast a private and independent ballot.

For a variety of reasons, some voters with disabilities prefer to vote by mail.

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Over the years, there have been mail only local elections. In fact, there have been many legislative attempts to allow for vote by mail only elections. One former election official, in support of vote by mail only elections, told me that it is easier for voters with disabilities to vote by mail. This may be true for some voters with disabilities, but would deny others their right to a private and independent vote.

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For these voters, with vision, learning, intellectual, manual dexterity, mobility and other disabilities who need accessible voting systems to vote privately and independently, vote by mail requires third party assistance to read and mark the ballot. This denies them of the ability to vote privately and independently as guaranteed by the California Constitution and HAVA.

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Some propose that in a vote by mail only election - voters with disabilities can vote at the elections office on an accessible voting machine. However, this would be overly burdensome and discriminatory for many. It would most likely make many people with disabilities go a long distance to vote or not have a ride to the location. In which case, many may give up their right to vote privately and independently to avoid the inconvenience of traveling to the election office or worse yet – not vote at all.

Third Party Assistance

People may request assistance casting their ballot. However, assistance means the person is no longer exercising their right to a private and independent vote as guaranteed by the California Constitution and HAVA.

Many voters hold the right to a private and independent vote sacred. A right most people without disabilities take for granted.

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Many people, including some judges around the country feel that, as long as people with disabilities can vote - even with help - that is enough. Through personal experience as well as my work on Disability Rights California's Election Day Hotline, I understand how important the right to a private and independent vote is for me and others with disabilities.

Examples

I will conclude with a couple of examples. Even though in the examples that follow, the people involved had trusted helpers, this is not always the case. We have been contacted by people who are concerned that those helping - mark the ballot according to the helpers choice - rather than that of the person with the disability.

Examples

- 1) I had to be out of town for a primary election. Therefore, I had to vote by mail. I needed assistance filling out the ballot. My mom helped me. I was uncomfortable, giving my vote to another person, even my mom. It didn't help when she asked, "Why did you vote that way?"

2) During the November 2012 Election, our Election Day Hotline was busy with calls regarding accessible voting machines not working. One woman who was blind could not use the accessible voting machine because the poll worker could not get it to work. Her husband helped her vote using a paper ballot. She told me that even though it was her husband helping mark her choices, she was unhappy that she could not vote in private and independently.