

Accessible Voting and How Voters with Disabilities Can Assist with Election Planning

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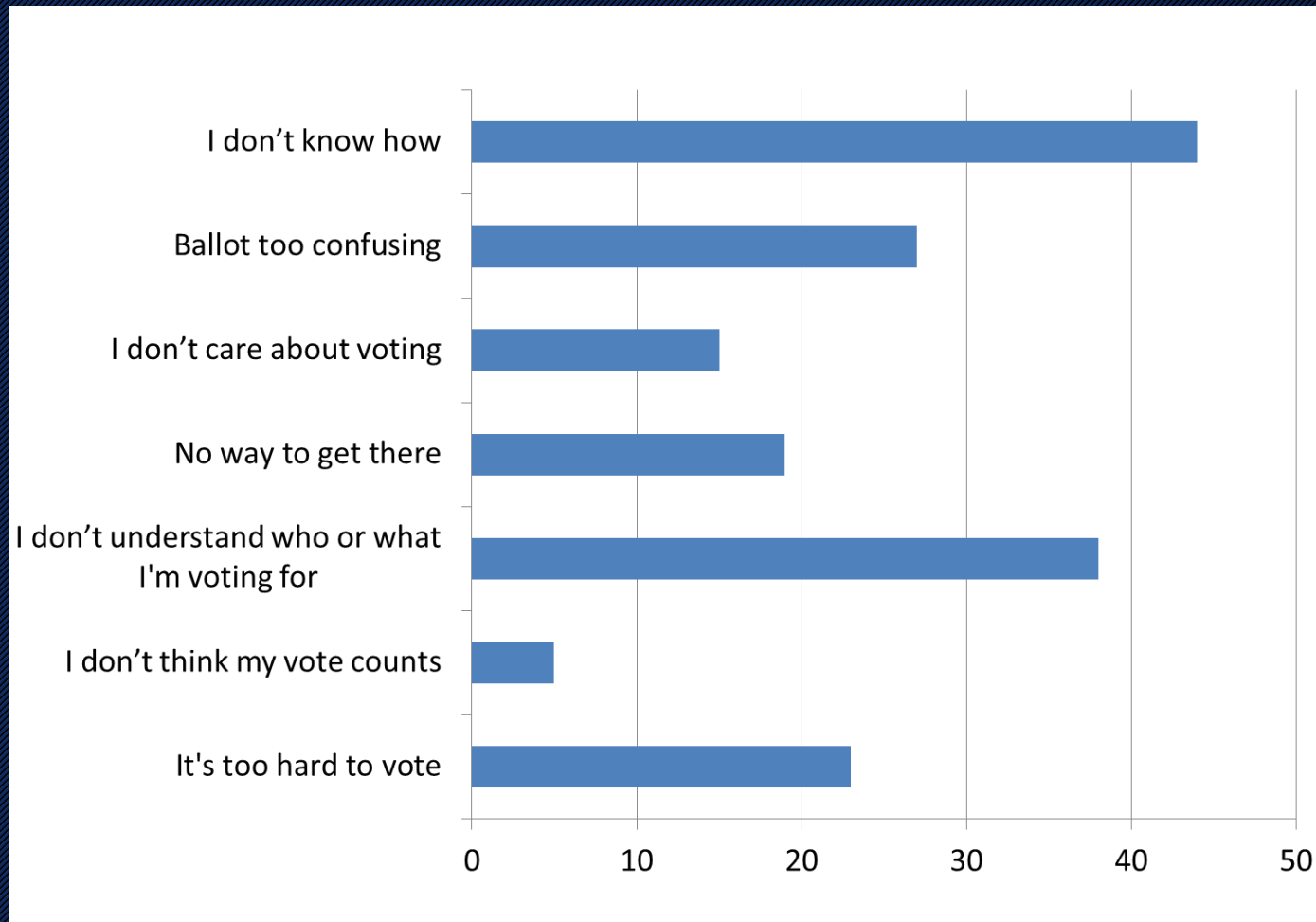
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FOCE Conference 2017

Far Northern Regional Center Survey



Example

- A voter with mobility and dexterity disabilities who uses a motorized wheelchair avoids going to the polls because he doesn't want strangers to hear him tell his caregiver what to fill in on the ballot. The voter did not know that he could use an accessible machine because every other time he has been to the polls, the poll worker gave the voter's caregiver a paper ballot to help him fill out.

A new analysis of data from Pew Research Center's American Trends Panel found that 22% of Americans self-report living with a disability

Examples of Disabilities

- Mobility Disabilities
- Visual Disabilities
- Hearing Disabilities
- Mental Health Disabilities
- Intellectual and Developmental Disabilities

Polling Place Accessibility

- The Federal Voting Accessibility for the Elderly and Handicapped Act of 1984 requires that all polling places be accessible to voters with disabilities unless there are no available accessible places to be polling places in the precinct.
- The Secretary of State's accessibility checklist is located at <http://www.sos.ca.gov/elections/additional-elections-information/publications-and-resources/polling-place-accessibility-guidelines>
- California Elections Code sec. 12280 says county elections officials “shall undertake necessary measures” to ensure that all polling places meet those guidelines.

Curbside Voting

- If a polling place is not accessible to a person with disabilities:
 - A poll worker must bring a regular ballot to a person with disabilities outside of the polling place (e.g. parking lot or sidewalk)
 - If it is not practical to bring the ballot to the person with disabilities, the poll worker must bring a vote by mail ballot to the person with disabilities
 - California Elections Code sec. 14282(c)



A private and
independent ballot is
everyone's right

Under the Help America Vote Act of 2002, polling places are required to have accessible voting systems that allow voters with disabilities to vote privately and independently

Accessible Voting System

- In California, every polling place is required to have one accessible voting system
- These systems ensure that a person with a disability can vote privately and independently
- These voting systems are accessible via both touch screen and through audio interface

Poll workers should offer
the accessible voting
system to every voter...

Because . . .

- A. People with non-visible disabilities who may need the accessible voting system may not know to ask.
- B. It will help ensure the voting system is plugged in and operational.

Assisting Voters with Disabilities

- Voters with disabilities may have anyone assist them with voting, except their employer, an agent for their employer, or a member of their union
 - California Election Code Sec. 14282(a)
- A voter with a disability may have no more than two persons assist him/her to vote
 - California Election Code Sec. 14282

Assisting Voters with Disabilities (cont'd)

- A voter with a disability may request and receive assistance from a poll worker in order to vote
- A person assisting a person with a disability must keep all information about the person's choices confidential

Assisting voters with disabilities is not a substitute for having an accessible voting system

A Person Has the Right to Vote Even if They are Not Able to Sign Their Name

- If the person is not able to sign:
 - They can mark with an “X,” or
 - Use a signature stamp, if they:
 - Use the online voter registration AND they have used the signature stamp at the DMV; OR
 - Use the signature stamp at the County Elections Office to sign the Voter Registration Card
- For more information:
<http://www.disabilityrightsca.org/pubs/547301.pdf>

Recent California State Law Changes

- Vote-By-Mail
- Remote Accessible Vote by Mail System
- Voters Under Conservatorship
- The Voter's Choice Act

Vote-by-Mail

- The ballot must be postmarked on or before election day and received by the county elections office within three days after Election Day.
- The three-day window is a recent change in state law
- The completed vote-by-mail ballot can also be dropped off at a polling place in the county
- Many counties have drop boxes available 24 hours per day, 7 day a week throughout the county

Remote Accessible Vote by Mail System

- Many counties have allowed military and overseas voters to get a ballot either by email or by downloading a password protected ballot. They then have had to print the ballot and mail it to a county's election office as a vote-by-mail ballot. This was called a ballot marking system.
- AB 2252 renamed the ballot marking system as a remote accessible vote-by-mail system
- A remote accessible vote-by-mail system will allow voters with disabilities to use their assistive devices to read and mark the ballot privately and independently and then print and mail it in to their county elections office
- The Secretary of State is in the process of developing regulations and certifying remote accessible vote-by-mail systems

Voters Under Conservatorship (Capacity to Vote) SB 589

- In California, persons under a conservatorship are presumed to have the capacity to vote unless a court determines he/she is unable to communicate, with or without reasonable accommodation
- Lack of competence is NOT a permissible basis to challenge a voter
- The poll worker should not make assumptions about a person's ability to vote based on the person's disability
- DRC and the ACLU of California have developed a toolkit to help people under a conservatorship get their right to vote back. It is available at <http://www.disabilityrightsca.org/pubs/559001.pdf>.

The Voter's Choice Act (VCA)

- The VCA will be phased in for the 2018 elections, limited to the 14 counties who can opt in. However, we know that not all 14 counties will choose to use the vote center model.
- This new election model will automatically mail a ballot to all registered voters in the county

Voter may then:

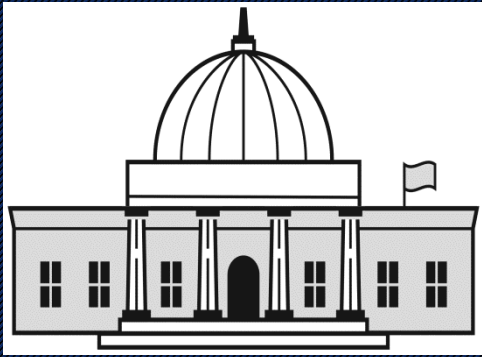
- a) Return ballot by mail
- b) Take ballot to drop off location
- c) Cast ballot in person at any vote center in the county. Vote centers will be open for ten days prior to election day. For election day and the three days prior, there will be one vote center for every 10,000 registered voters. Prior to that, there will be one vote center for every 50,000 registered voters.

- New Voting Options under the VCA will begin in 2018
- Calaveras, Inyo, Madera, Napa, Nevada, Orange, Sacramento, San Luis Obispo, San Mateo, Santa Clara, Shasta, Sierra, Sutter and Tuolumne counties may opt-in
- All other counties would be allowed to adopt the VCA in 2020

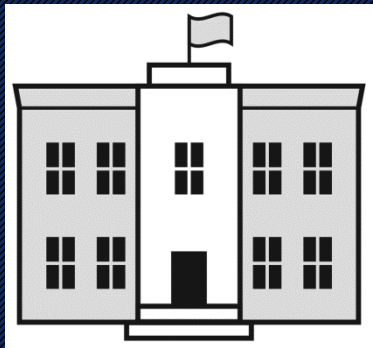
Provisions Concerning Voters with Disabilities

- Counties adopting the VCA require the following:
 - Draft and adopt a detailed plan through an open, public process
 - Hold education workshops and community groups, including organizations that assist voters with disabilities and language minority communities
 - Have a remote accessible vote by mail system available to voters with disabilities.
 - Formation of a VAAC and LAAC

State and Local VAACs



- ▶ State VAAC - An informal VAAC has met with the Secretary of State's office on a regular basis since 2005. In 2015, the Governor signed AB 683, which establishes the VAAC as a formal advisory committee to the Secretary of State consisting of members to be appointed by the Secretary.
 - First meeting in 2017 is March 15 at 1pm
 - Website: <http://www.sos.ca.gov/elections/vaac/>



- ▶ County VAACs - The SOS Guidelines state that accessibility requirements are implemented and monitored primarily at the local level. Essential to this intent is the recommendation that each county elections official establish a VAAC.

What is a VAAC?

- A **Voting Accessibility Advisory Committee** is a community based committee in partnership with the local elections official which meets regularly to help develop strategies to improve voting accessibility
- A VAAC can benefit your community in many ways, including providing a forum for the disability and senior communities in your county to voice their concerns and provide advice and opportunities for collaboration and outreach with the community

What is a VAAC's Role?

- The VAAC will play an essential role in assisting the County to comply with these laws and provide equal voting access for all
- Issues such as new accessible voting systems, accessibility of polling places, and ways to improve the voting experience are typical areas of discussion
- VAACs can play a critical role in improving conditions for voting
- For them to be successful it is critical to have community participation

Examples of How VAACs Can Be Beneficial

- One county changed its policy to have its poll workers offer the accessible voting system to all voters after hearing that voters with non-visible disabilities needed assistance
- At a VAAC meeting concerns were raised that an increasing number of voters with disabilities wanted to go to the polls but could not because their disability would not let them leave their home on election day. As a result, many counties began to find solutions by working with transit providers or going to people's houses
- The VAACs in LA and Santa Cruz Counties helped their respective counties do videos about accessible voting

Santa Cruz County VAAC Contributions

- Helped us revise our instructions on how to set up an audio ballot to ensure greater success at the polls
- Instrumental in testing the usability of our online voter guide to make sure it was accessible to voters who use screen reader programs
- Assisted us in creating several videos, including one providing instruction on how to serve voters with disabilities
- Helped us staff our Election Day Hotline
- Provided expert advice on mitigating barriers at polling places and making them accessible
- Helped select our current accessible voting system

- VAAC members in LA and San Francisco are working with the county election officials to ensure that their next voting system is accessible.
- Advising on the accessibility of polling places and how to mitigate architectural barriers
- Participation in the training of poll workers
- Suggestions on the allocation of County HAVA funds such as:
 - Purchase of cones for parking
 - Purchase of bells for curbside voting

Transitioning From a CEW to a VAAC

- Current Community Election Working Group (CEW) Mission and Focus
 - Outreach, Awareness, and Networking
- VAAC - Disability is Primary Focus
 - Voting Accessibility for Voters with Disabilities
 - Awareness of Elections Process

Building a Diverse VAAC: Ensuring Through Representation From Different Communities Under the Umbrella of Disability

- Cross Disability
- Degrees and Diversity

Composition

- County elections officials are encouraged to recruit VAAC members who represent :
 - people with disabilities,
 - elderly people, and
 - people with experience or background in architectural accessibility



How Many Members?

- Committees in counties with as many as 50,000 registered voters shall have a minimum of 3 members.
- Committees in counties with more than 50,000 and as many as 500,000 registered voters shall have a minimum of 5 members.
- Committees in counties with more than 500,000 and as many as 1,000,000 registered voters shall have a minimum of 7 members.
- Committees in counties with more than 1,000,000 registered voters shall have a minimum of 9 members.

Does your County Lack a VAAC?

- The SOS, in consultation with CACEO, published a “Guide to Creating a Local Voting Accessibility Advisory Committee” in 2014
- <http://elections.cdn.sos.ca.gov/pdfs/guide-create-local-vaac.pdf>

California Secretary of State's Guide to Creating a Local Voting Accessibility Advisory Committee (VAAC)



2014

How to create a VAAC

- If a local VAAC within one county is not practical, counties may consider forming a regional VAAC to pool resources and ideas. Shasta and Tehama counties have done this.
- Counties who already have an existing county board or committee that meets the representational requirements outlined in the previous slides, could assume the functions of the VAAC.
- Groups to contact to recruit members:
 - Independent Living Center
 - California Department of Rehabilitation
 - Disability Rights California
 - The California Council of the Blind
 - Youth Organizing! Disabled and Proud
- *Refer to the SOS Guide for contact information and a complete list.*

Develop VAAC memberships by contacting other agencies

- California Council of the Blind
- Veterans Services Offices
- College Disability Services Offices
- Independent Living Centers
- Local Regional Centers
- Organizations serving persons with specific disabilities such as Deafness, Cerebral Palsy, or Multiple Sclerosis
- Disability Rights California
- Local disability services agencies

Elections Staff Should Be at VAAC Meetings

- A VAAC is a partnership between the disability community and the county elections official
 - VAAC members provide advice to the county elections official
- The following staff from the county election official's office should attend quarterly VAAC meetings:
 - The county election officials or his or her assistant or deputy
 - Head poll worker trainer
 - Elections equipment supervisor
 - Polling site inspector
 - Community outreach staff
 - Media communications staff

What Vote Project Does

- Present to different Day Programs and High School Transition Classes
 - Address the main problems people with disabilities have with voting
 - Who can vote
 - Help register and reregister to vote
 - Explain the sample ballot and where they can vote
 - Short history of voting
- Voter Information Meeting
 - Directions for voting in their county
 - Define the key terms on the ballot (Candidate, Measure, Proposition)
 - We discuss all state and county candidates, measures and propositions using plain language
 - Talk about any nationwide candidates

Leadership Structure

- All VAACs are structured differently, depending on the county and make up of the VAAC
- Generally, DRC suggests that a County's VAAC have two co-chairs, one from the elections staff and one from the community.
- The co-chairs should create and distribute an agenda incorporating county needs and disability community members' concerns

Agenda

- The agenda should have time set aside for the following:
 - Old business
 - Specific items
 - New business
 - The date, time and location of the next VAAC Meeting

Agenda (cont'd): Suggested Topics

- Assist in the development of educational videos.
- Advise on the accessibility of polling places.
- Participate in the training of poll-workers.
- Suggest the allocation of County HAVA funds such as:
 - Purchase of cones for parking.
 - Purchase of bells for curbside voting.
- Provide feedback on county election websites
- Help select vote center and polling place locations
- Discuss new or pending legislation affecting voters with disabilities
- Advise on recruiting poll workers with disabilities
- Suggest possible outreaches
- Advise on media strategy

Agenda (cont'd)

- An agenda should be distributed as widely as possible at least 24 hours prior to the meeting.
- Members should be able to submit questions via email if they cannot attend a meeting, the questions should be read aloud and discussed during the meeting.
- The VAAC should have its own page on the county elections website. The link should feature prominently on the voters with disabilities information page. The webpage is a place to post agendas and meeting notes.

Meetings

- Many of the county VAACs hold their meetings at the county elections officials' offices
 - VAACs should consider having their meetings in alternate locations that are more convenient.
 - Offsite meetings can improve attendance.
- Attendance via phone, skype or teleconference would be a good way to increase participation and accessibility.
- A facilitator may be used to ensure all members are getting their opinions heard
- Light snacks and drinks can help improve attendance.
- Be sensitive to strong scents and common food allergies.
- The following link is a great resource for setting up accessible meetings.
<http://www.adahospitality.org/accessible-meetings-events-conferences-guide>

What the Santa Cruz County VAAC Does...

- Meets quarterly with an agenda and minutes
- Advises on services to voters with specific needs: disabilities, minority languages, elderly, etc
- Acts as ambassadors for us to their communities to help us get the word out about our services
- Provides us with information on up and coming issues in the access world which lets us be proactive in planning and resource allocation
- Reviews polling places to determine if we can use the accessible symbol or not on our Voter Information Guides
- Advises on bilingual outreach and materials
- Assists with finding polling sites and surveying if needed
- Helps develop and review training videos
- Helps develop and review written materials
- Advises on how to spend any grant funds earmarked for accessibility

Positives of Creating a VAAC

- Creates an outlet for voters with disabilities to voice their concerns and pose questions
- Increased voter accessibility becomes focus
- More voting options
- Better voter independence

The VAAC's Role in Implementing the VCA

- Advise the elections officials on the best location for the vote centers
- Participate in the outreach planning to voters with disabilities about the new way elections are being conducted