

# Reducing Barriers to the Voting Booth

## Panelists

**Ben Hamatake**, Community Outreach Manager, Office of the Registrar of Voters,  
Orange County

**Cristin Hanson**, New Voter, San Diego County

**Terri Lantz**, Client Rights' Advocate, United Cerebral Palsy of Los Angeles

**Fred Nisen**, Staff Attorney, Disability Rights California

*Moderated by Lori Shellenberger, Director, ACLU of California Voting Rights Project*

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# REDUCING BARRIERS TO THE VOTING BOOTH

FRED NISEN  
SUPERVISING ATTORNEY VOTING RIGHTS  
DISABILITY RIGHTS CALIFORNIA

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# FACT

THERE ARE OVER 5.9 MILLION  
ELIGIBLE VOTERS WITH  
DISABILITIES IN CALIFORNIA!

# About Disability Rights California

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.”



# SOME TYPES OF DISABILITIES

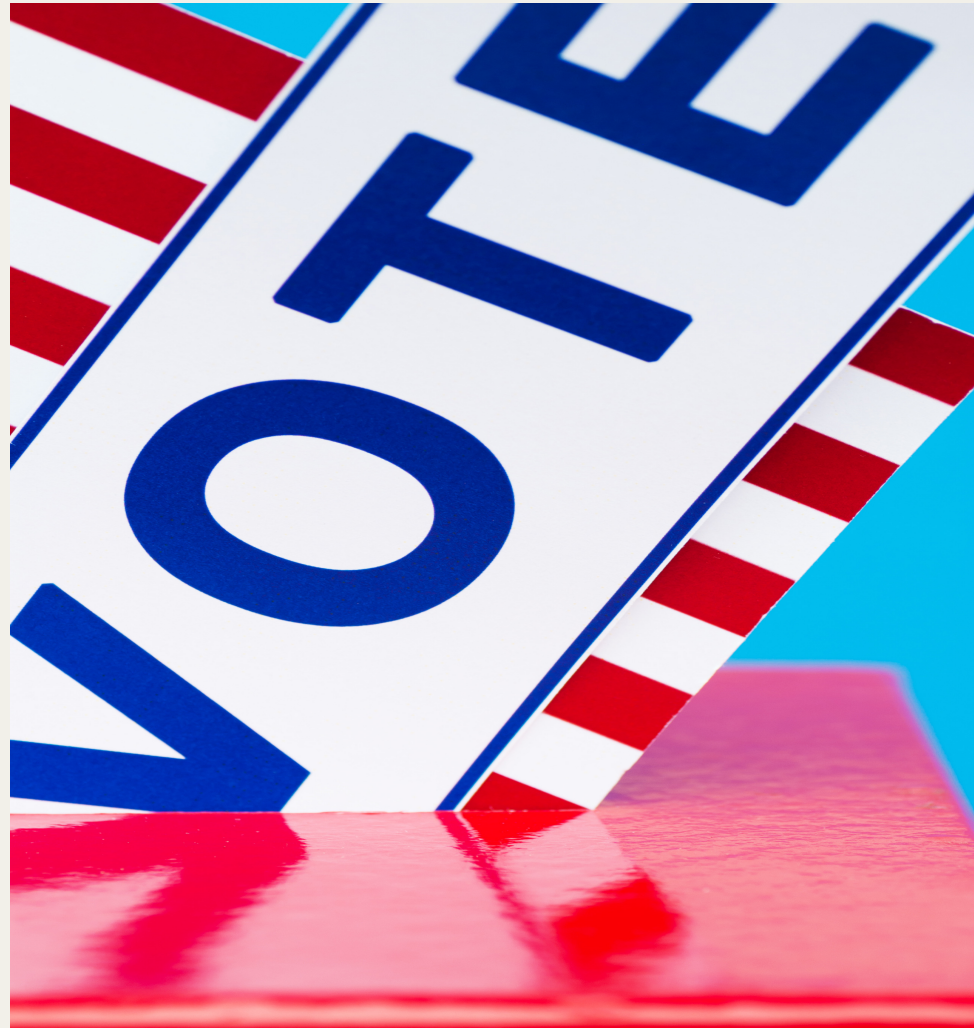
- MOBILITY DISABILITY
- VISION DISABILITY
- DEAF AND HARD OF HEARING
- COGNITIVE OR MENTAL HEALTH DISABILITIES
- INTELLECTUAL AND DEVELOPMENTAL DISABILITIES
- DEXTERITY LIMITATIONS

# CALIFORNIA CONSTITUTION

REQUIRES ACCESSIBLE, INDEPENDENT, AND PRIVATE  
VOTING FOR ALL ELIGIBLE VOTERS BY ENSURING:

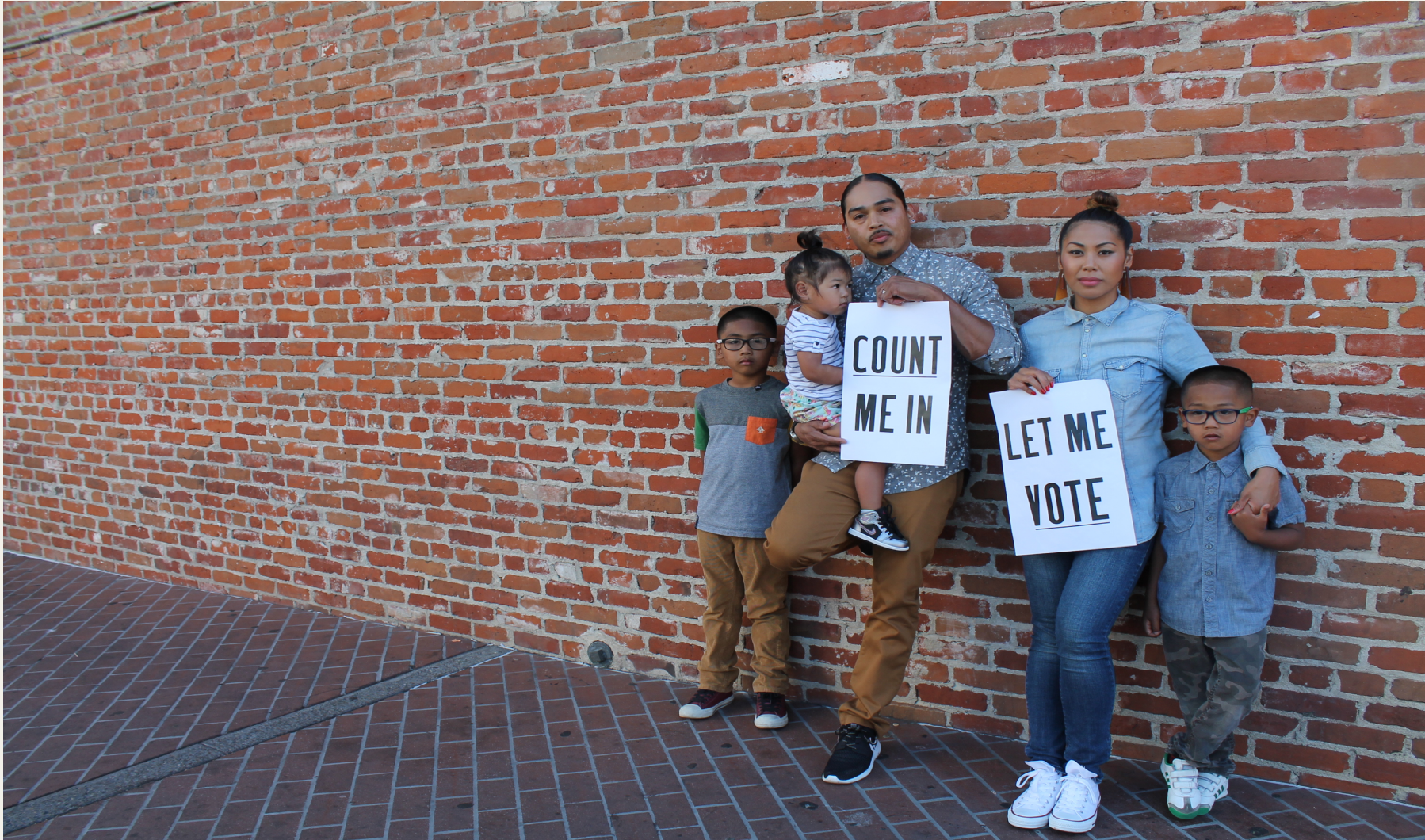
- EQUAL ACCESS TO POLLING PLACES THAT ARE ACCESSIBLE TO ALL
- VOTING SYSTEMS THAT ALLOW FOR INDEPENDENT AND PRIVATE VOTING

Photo of a ballot box





Formerly incarcerated persons, in a photo with their children,  
hold signs saying “Let Me Vote” and “Count Me In”



At 18 years of age, Dean was mistakenly told he could not vote due to a partial conservatorship. Twenty-two years later, Dean voted for the first time at the age of 42.



# VOTERS WITH COGNITIVE OR MENTAL HEALTH DISABILITIES

## CALIFORNIA ELECTION CODE SEC 2208 CAPACITY TO VOTE:

- IN CALIFORNIA, PERSONS UNDER A CONSERVATORSHIP ARE ENTITLED TO VOTE UNLESS A COURT SPECIFICALLY REMOVES THEIR RIGHT TO VOTE.
- THE POLL-WORKER SHOULD NOT MAKE ASSUMPTIONS ABOUT A PERSON'S ABILITY TO VOTE BASED ON THE PERSON'S DISABILITY
- LACK OF COMPETENCE IS NOT A PERMISSIBLE BASIS FOR A VOTER CHALLENGE.
- IN 2015, THE LEGISLATURE GAVE COURTS GUIDANCE ON WHEN THEY CAN TAKE AWAY A PERSON UNDER A CONSERVATORSHIP'S RIGHT TO VOTE.



## SB 589

SB 589 (BLOCH) SAID THAT THE COURT MUST  
MAKE A FINDING THAT THE CONSERVATEE DOES NOT  
HAVE THE ABILITY TO COMPLETE THE VOTER  
REGISTRATION CARD BEFORE TAKING AWAY THEIR  
RIGHT TO VOTE

## SB 589 (CONT'D)

- SB 589 REQUIRES REASONABLE ACCOMMODATION BE PROVIDED TO INDIVIDUALS FILLING OUT VOTER REGISTRATION CARDS, including, but not limited to, reading , marking or explaining the form

CONSERVATEE MAY COMPLETE THE FORM WITH THE ASSISTANCE OF ANOTHER, MAY MARK THE FORM WITH AN “X” OR MAY USE A SIGNATURE STAMP AS LONG AS THE SIGNATURE STAMP HAS BEEN REGISTERED WITH THE COUNTY ELECTIONS OFFICIAL. SEE [WWW.DISABILITYRIGHTSCA.ORG/PUBS/5473.01.PDF](http://WWW.DISABILITYRIGHTSCA.ORG/PUBS/5473.01.PDF)



## SB 589 (CONT'D)

CONSERVATEE IS PRESUMED COMPETENT TO VOTE  
UPON COMPLETION OF VOTER REGISTRATION CARD

# Community members do voter registration at a weekend fair



**A PRIVATE AND  
INDEPENDENT BALLOT  
IS EVERYONE'S  
RIGHT!**

# Accessible Voting Systems

Many people with vision, mobility, learning, intellectual, manual dexterity or other disabilities need accessible voting machines to cast their ballot. The accessible voting systems allow voters with disabilities to cast their ballot privately and independently, in most cases using touchscreen technology with audio capability.

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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.

## Vote-By-Mail

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 vision, mobility, dexterity, learning 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.

# EXAMPLE #1

SEVERAL YEARS AGO, DUE TO UNUSUAL  
CIRCUMSTANCES, IT WAS NECESSARY FOR ME  
TO VOTE-BY-MAIL

BECAUSE OF DEXTERITY ISSUES, I NEEDED  
ASSISTANCE TO MARK MY BALLOT...

# VOTE-BY-MAIL EXPERIENCE

...UNFORTUNATELY, I CHOSE MY MOTHER TO ASSIST ME.

NEEDLESS TO SAY, WE DIFFERED ON A NUMBER OF CANDIDATES AND ISSUES.



**SO MUCH FOR MY  
PRIVATE AND  
INDEPENDENT  
BALLOT!**

## Example # 2

During the November 2012 Election, I spoke with a woman who was blind, and could not use the accessible voting machine because the poll worker could not get it to work. Her husband ended up helping her vote using a paper ballot. She told me that even though it was her husband helping mark her choices, she felt very uncomfortable having anybody, including her husband, know how she voted.

Cris, Sylvia, Paul, Stephen, and Nick have all faced barriers to casting a private and independent ballot.



# Voters case their ballots on a voting machine



# Photo of Cristin voting for the first time





