Turnout for Voters with Disabilities Suffers

People with disabilities continue to vote at a lower rate than most others.

Turnout in recent decades has improved slightly since federal laws were passed to ensure people with disabilities have access to voting polls. Study after study, however, shows these voters lag behind other cohorts when it comes to registration and participation in elections.

The Research Alliance for Accessible Voting used U.S. Census data to show in a survey report that there was a disability turnout gap of 7.2 percent during the 2008 presidential contest and 5.7 percent in 2012.

“There has been a fair amount of progress but we still have a long way to go,” said Jim Dickson, who co-chaired a voting rights working group for the National Council on Independent Living.

In the United States, there are at least 35 million people with disabilities who are voting age, which is about 1 out of every 7 potential voters. That figure will grow as baby boomers age and begin to experience cognitive and physical declines. Plus, the number of voters with traumatic brain injuries—veterans or otherwise—keeps growing.

In this article NCSL will examine federal laws that govern voting for people with disabilities and why this challenge endures, looking at the problems with accessibility that stymie citizens with disabilities from exercising their right to vote. It also will note some measures states and legislators have crafted to help ease voting for people with disabilities. Finally, it will note several solutions offered by elections experts and disability advocates for narrowing the turnout gap for people with disabilities.

Federal laws that govern voting for people with disabilities

Provisions of the Americans with Disabilities Act (ADA) of 1990 have helped increase the accessibility of voting for people with disabilities. Polling places must comply with ADA requirements that determine the space in which people vote, with guidelines for the width of corridors and doorways and a note about ensuring turning space at the voting machine. The space for walkways and parking spaces outside the polling place also are defined and part of an overall ADA checklist elections administrators can use to ensure space in and around a voting station complies with the federal law.

Still, the ADA didn’t address issues for voters with visual, auditory or cognitive disabilities. The Help America Vote Act of 2002 picked up where the ADA left off and includes measures regarding accessible voting systems. The law requires that each polling place have at least one voting machine that helps the blind and visually impaired. The voting system must provide the user with privacy and independence.
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Lingering barriers to voting

Even with these federal measures, a disability gap remains.

A lack of transportation can prevent someone with a disability from even registering to vote, Dickson said. He said some websites that provide a path toward voter registration are sometimes too difficult to navigate. The voter registration rate of people with disabilities was 2.3 percentage points lower than the rate of people without disabilities in 2012, according to the report from the Research Alliance for Accessible Voting. That lower turnout rate is due in part to lower voter registration among people with disabilities but more to lower turnout among those who are registered.

The National Voting Rights Act of 1993 includes a provision to allow voter registration opportunities at state agencies, some of which serve people with disabilities. But some researchers have found that state agencies have failed to routinely offer voter registration applications to the people they service and the federal government rarely enforces the provision.

When people with a disability become registered voters, they often have a new set of challenges waiting for them at the polling place, Dickson said.

Lisa Schur, a professor at Rutgers University who has studied disabilities and voter turnout, told the Presidential Commission on Election Administration that barriers getting to, or using, polling places can discourage voting by people with disabilities. These barriers can make voting time-consuming and difficult, and can prompt feelings in people with a disability that “they are not fully welcome in the political sphere.”

A long wait to vote can be a frustration for most people but for a person with a disability, that delay can be difficult and physically painful. Those challenges also can go unnoticed if they affect a person with a disability that is not visible—such as someone with a traumatic brain injury or an amputee.

Dickson said many polling places are staffed with workers who are inadequately trained to help a person with a disability. A person with a cognitive disability may need more time to proceed through a complicated ballot that is designed with multiple columns and rows.

Additionally, not all disabilities are the same. A solution that works for people with a sight disability may not address the needs of someone who has an impairment affecting motor skills. Possible solutions at polling places can be just as varied as the disabilities themselves. (The National Conference of State Legislatures examined aspects of voting for residents of long-term care facilities in the December issue of The Canvas.)

Implementing measures to fix the registration and voting processes for people with disabilities often improves the voting experience for all: Ballots can be designed for easier usability; signage and instructions at the polls become clearer—and all voters will have a better voting experience.

How states and local elections officials have responded

In recent years states have made some progress in voting accessibility, according to a Government Accountability Office (GAO) report.

The proportion of polling places without possible impediments increased in 2008 compared to 2000, the report showed. It also found that almost all polling places had an accessible voting system for people with disabilities.

The GAO has called for greater oversight by the U.S. Department of Justice to ensure requirements set by the Help America Vote Act are being met.

This session Utah enacted SB 245, a bill by Senator Curtis Bramble (R) that will allow counties to opt-in to a pilot program to let people with a disability and military service members submit a ballot electronically.

“Voting is the currency of our republic and the greater the citizen participation, the stronger our republic,” Bramble said.

Bramble said he took into account concerns about online security but thought it was time to move forward with a mechanism that allows a person with a disability to vote at their convenience, especially as more people have become comfortable with banking and filing their taxes online.

Michigan enacted HB 4478 this year. The bill sponsored by Representative Andy Schor (D) allows a person with a disability to use a signature stamp to sign elections documents. California, Minnesota, Nevada and Oregon already allow the use of signature stamps, which can help a person with a disability affecting motor skills such as amyotrophic lateral sclerosis or severe arthritis.

Besides signature stamps, states have allowed curbside voting to extend polling place access for voters with disabilities. While 45 percent of polling places surveyed in the GAO report were noted for potential impediments in 2008, those same polling places offered curbside voting to a person with a disability.

Wisconsin Senator Julie Lassa (D) said she is pleased her state has curbside voting on Election Day but she would like the state to extend that privilege during early voting. Curbside voting in Wisconsin requires two elections officials to collect a ballot at the curbside from a voter with a disability.

In November 2013 Lassa introduced SB 404, which would have allowed a disabled voter to submit an application for an absentee ballot at the entrance to a municipal clerk’s office and vote immediately on that ballot.

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Most importantly, Lassa’s bill would have allowed a lone elections official to collect a curbside absentee ballot, which she said would help elections officials in rural communities work from home.

The bill was not voted out of its committee but Lassa said she will re-introduce the same measure next legislative session.

“I think it’s important to allow for individuals with disabilities to have as much access as possible to cast their vote in elections,” she said. “This is one of the ways we can make it more convenient for those individuals but it also makes it more workable for our municipal clerks.”

Additionally, seven states and the District of Columbia offer permanent absentee status to voters but advocates for people with disabilities contend that absentee voting does not solve many accessibility issues.

Additional solutions and research

Fortunately, the turnout gap has prompted advocates, scholars and elections officials to consider additional solutions. And those ideas are coming just in time.

R. Doug Lewis, executive director of the National Association of Election Officials, warned a presidential panel in September 2013 that “accessibility as an election issue was about to become a major problem.” He noted that baby boomers, the largest voting segment of American society, were living, on average, 20-25 years longer. He argued for measures to serve accessible needs.

That panel, the Presidential Commission on Election Administration, after gathering testimony from elections officials and advocates and studying the issue, proposed several key recommendations in its January report.

It recommended that elections authorities establish advisory groups for voters with disabilities; for states and jurisdictions to adopt comprehensive management practices to ensure accessibility in polling places; and perform audits and surveys of polling places to determine their level of accessibility.

The Accessible Voting Technology Initiative, a project by the National Institute of Science and Technology and the U.S. Elections Assistance Commission, will examine the commission’s recommendations during a May 22 webinar. The initiative also will have a June 20 webinar to discuss its latest research. The U.S. Election Assistance Commission has collected resources for voters with disabilities.

The Information Technology & Innovation Foundation recently finished a three-year study of voting accessibility for voters with disabilities. The project produced a variety of research articles ranging from defining voting barriers to the examination of a voting app designed to help people with early-stage Alzheimer’s Disease.

The Research Alliance for Accessible Voting also provides resources on this issue, including guidelines for elections administrators, fact sheets on accessibility and links to information about notable research projects. One such project is taking shape at Clemson University’s Human-Centered Computing Division, where researchers are developing accessible voting machines.

Dickson said elections officials also should increase the amount of training poll workers receive so they can provide adequate help at polling locations.

A National Council on Disability report documented its examination of the 2012 election and found many cases in which voters with disabilities were treated rudely by poll workers. The report also recommended robust training so that poll workers could learn how best to help a person with a disability.

-Michael D. Hernandez

One big number

328,556. That’s how many names were removed from North Carolina’s list of eligible voters in 2013 as part of the state’s annual maintenance of voting rolls. The figure is included in a North Carolina State Board of Elections report that details how voter registration lists are updated. The state shed 185,607 names of registered voters who were not active during the previous two federal general elections, 66,917 names of deceased people and 26,014 voters who were found to have left the state.

Only 563 voters called in to request that their names be removed, confirming a long-held frustration by elections administrators that people typically fail to report when they have moved away. Last year through HB 589 North Carolina authorized the State Board of Elections to seek out ways to share information with other states by using resources such as the Electronic Registration Information Center (ERIC). To date, North Carolina has not joined the 10 states that exchange voter information through the center.
Bookmark This: A Round-Up of Online Election Resources

Finding elections news and research does not have to be difficult, especially when so many organizations already track trends and excel at collecting key data.

Let us point to a few helpful resources we have spotlighted in previous editions of The Canvass.

- **Ballot Access News** gathers information for those who want to form minor parties and get candidates on the ballot.
- **California Voter Foundation** offers state-by-state research on voter engagement, technology, campaign disclosure and voter piracy.
- **Election Academy Blog** features posts by Doug Chapin, director of the University of Minnesota's Humphrey School of Public Affairs.
- **Election Data Dispatches** features election research and analysis using data collected by the The Pew Charitable Trusts.
- **Election Diary** is written by Brian Newby, the election commissioner for Johnson County, Kansas. He provides an insider’s view of elections administration and is not afraid to make an occasional reference to “Star Wars” or moody Brit singer Morrissey.
- **Election Law@Moritz** is a nonpartisan research, education and outreach program at The Ohio State University’s Moritz College of Law. The website has an invaluable database of elections law cases.
- **Election Law Blog**, penned by Professor Richard Hansen of the University of California-Irvine, provides a collection of daily elections news reports, journal articles and multimedia goodies.
- **Electionline** is a nonpartisan, nonadvocacy clearinghouse for election news, featuring a daily assortment of election news articles grouped by state, as well as a weekly round-up of topics that range from legislation to voting technology.
- **Electionsmith.com** focuses on citizen initiatives and ballot measures but also includes election and voting issues.
- **Overseas Vote Foundation** and the **U.S. Vote Foundation** are sister websites that share the Election Officials Directory, which stores the names of election officials, their contact information and corresponding websites.
- **Stateline** is a nonpartisan online source of news articles about state policy and politics produced by the Pew Center on the States.
- **The Green Papers** has a trove of data on American politics and elections.
- **United States Election Assistance Commission’s** blog turns out policy information about elections.
- **United States Election Project** is chockfull of elections turnout data and is organized by George Mason University professor Michael McDonald.
- **Verified Voting** focuses on the rules and regulations that give people a chance to verify that their vote was counted as cast.
**From the Chair**

Senator Don Harmon (D) is chair of the Illinois Senate Subcommittee on Election Law. He represents communities in and around northwest Chicago. The Canvass spoke to Harmon on May 5.

Excerpts:

- “The more people are able to vote, the better the outcome. To me, there is no downside in making sure that the franchise is easier to exercise and that we knock down whatever artificial barriers we have erected over the last century.”
- “We’ve had grace period voting; we’ve really done a good job in turning Election Day into election month.”
- “We have folks who have been in elective politics for two years, we have folks in elective politics for two decades and whenever you are proposing to make change, you have to make a compelling case that this is in everyone’s best interest. It’s a constant challenge.”
- “Some of the downstate counties are a little less technologically sophisticated. Those counties are much smaller and so we need to be cognizant of their economic limitations, staff limitations when we are trying to draft policy statewide.”

[Read the full interview with Harmon.](#)

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**The Election Administrator’s Perspective**

Leslie Hoffman (top) registers voters and Lynn Constabile (below) administers elections in Yavapai County in Arizona, which includes the city of Prescott and boasts about 125,000 registered voters. The county typically has the highest turnout percentage in the state. The Canvass spoke to the pair on May 6.

Excerpts:

- “One of our biggest challenges with running elections is money,” Constabile said. “Arizona has four elections per year but we are thought about once every two years and that’s when they think we need staff and money but we need it all the time.”
- “About 70 percent of all of our registrations come through online voter registration,” Hoffman said. “It’s very easy and it’s convenient. People can sit at home and register in their pajamas if they choose.”
- “I have a computer programming degree and a public management degree and I have never shied away from different technology and how technology can make our lives more efficient,” Constabile said.
- “Something I’d like to see is before (legislators) start crafting a bill, they bring that idea to the elections people with the boots on the ground,” Hoffman said. “That would save a lot of rewriting and amending.”

[Read the full interview with Hoffman and Constabile.](#)
Worth Noting

- Massachusetts is closing in on a set of elections reforms that would create an early voting period, allow online voter registration and provide pre-registration to teens ages 16 and 17. **HB 4072**, which combines several separate bills, was passed by the House and Senate, and is headed to Governor Deval Patrick for his consideration. Patrick said he supports provisions of the bill, which also includes a measure for post-election audits.

- The National Voter Registration Act is 21 years-old and researchers are still struggling to figure out if the measure to register voters at motor vehicle agencies has been a success. **Measuring Motor Voter: Room for Improvement**, a study released this month by the Pew Charitable Trusts, shows that almost none of the states can show the degree to which their motor vehicle agencies are offering people the chance to register to vote or update their voter registration data.

- Ever wonder how other countries compare to the United States for voter registration and voter ID requirements? Well wonder no more thanks to an interactive map from the International Consortium of Investigative Journalists that collected global data on voting and registration ID requirements, whether voter registration must be pursued by citizens or is automatically granted, and voting rights for felons and others are prohibited from voting.

- “Be prepared” is the motto of the Boy Scouts … and now for elections officials tasked with conducting a recount, according to a new report that offers best practices for recounts. The report, **Recount Principles and Best Practices**, examines mechanisms that initiate a recount, counting methods, costs and other topics.

- Virginia Governor Terry McAuliffe last month announced changes to the state’s restoration of voting rights process for felons. The state would remove drug offenses from the list of felonies that prevent a person from voting. It also reduces the waiting period for a person convicted of a violent felony offense to apply for restoration of voting rights from five years to three years.

- Same-day registration news: Hawaii legislators passed **HB 2590** in April to allow voters to register at polling places on the same day they vote. The bill is awaiting approval from the Hawaii governor. Nebraska Governor Dave Heineman last month signed **LB 565** into law, which re-enforces what has been true all along for Nebraska: New voters can register and vote on the same day during the early voting period. Utah legislators in March passed **HB 156**, which allows counties to opt into a same-day registration pilot program. Eleven other states and the District of Columbia offer same-day registration.

- A Michigan law requires any person who collects signatures to qualify a candidate for an election ballot to be a registered voter; this law is preventing the re-election bid of U.S. Rep. John Conyers (D). More than 700 signatures gathered to place Conyers on the primary election ballot were invalidated by a county clerk who determined several petition circulators were not properly registered to vote. Three of Conyers supporters have filed a lawsuit challenging the state law.

- The world’s largest election has meant traversing crocodile-infested swamps, hiking up Himalayan mountain passes and caravanning by camel across desert swaths to reach voters in India. The Wall Street Journal has documented some of the lengths elections administrators have taken to help the country’s 814.5 million registered voters participate in the election that began on April 7 and ended May 12.

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From NCSL’s Elections Team

From examining recalls to the fallout from major court decisions, NCSL will feature several sessions on elections policy during its Legislative Summit, Aug. 19-22 in Minneapolis. The June 4 deadline for early bird registration is just around the corner, so don’t forget to sign up.

Legislative sessions are winding down for many states but NCSL’s staff can provide a head-start with analysis and research on a variety of elections issues for next year’s slate of bills. We are here to assist legislators and their staffs.

As always, thanks for reading.

*Wendy Underhill and Michael D. Hernandez*