



# SELF ADVOCACY NEWS

Joy A Shabazz Center for Disability Rights

Nov 2016

This edition of the Self Advocacy News focus on the crucial topic of disability voting rights. In this issue we have reprinted, in whole or part, articles, fact sheets and pamphlets on disability rights as they pertain to voting. We want to ensure that persons with disabilities are well informed and know their voting rights. We also want to encourage persons with disabilities to take advantage of this knowledge and vote come November 8, 2016. The issues that affect American citizens be it the economy, healthcare, foreign policy, the Supreme Court selection, the environment, immigration, etc. also affects persons with disabilities in North Carolina and throughout the country.

Whether you are a Republican, Democrat or Independent it is crucial that persons with disabilities take this election seriously. The first order of business is to register to vote. Then make a commitment to go to the polls in November and let your voice be heard at the ballot box.

According to the US Census Bureau about 56.7 million people or 19% of the population had a disability in 2010. That's nearly 1 in 5 people in the United States. Source: census.gov. If most people with disabilities were to vote they will not only have a tremendous impact on the upcoming election but legislators in particular will respond more positively to issues affecting the disability community.

Take a few minutes to read the information we're providing and don't forget to vote.

Aaron Shabazz  
Executive Director

*Self Advocacy News is a publication of Joy A Shabazz Center for Disability Rights. It can be provided in an alternate format upon request. Contact Dennis Burgess or Aaron Shabazz at (336) 272-0501*

## In This Issue

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Photo Caption

# What Federal Voting Laws Protects Persons with Disabilities?

*The following are edited segments from the Department of Justice publication, Americans with Disabilities Act and Other Federal Laws Protecting the Rights of Voters with Disabilities*

The **Americans with Disabilities Act (ADA)** is a federal civil rights law that provides protections to people with disabilities that are similar to protections provided to individuals on the basis of race, color, sex, national origin, age, and religion. Title II of the ADA requires state and local governments (“public entities”) to ensure that people with disabilities have a full and equal opportunity to vote. The ADA’s provisions apply to all aspects of voting, including voter registration, site selection, and the casting of ballots, whether on Election Day or during an early voting process.

The **Voting Rights Act of 1965 (VRA)** also contains provisions relevant to the voting rights of people with disabilities. The VRA requires election officials to allow a voter who is blind or has another disability to receive assistance from a person of the voter’s choice (other than the voter’s employer or its agent or an officer or agent of the voter’s union). The VRA also prohibits conditioning the right to vote on a citizen being able to read or write, attaining a particular level of education, or passing an interpretation “test.”

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.

The **National Voter Registration Act of 1993 (NVRA)** Requires all offices that provide public assistance or state-funded programs that primarily serve persons with disabilities to also provide the opportunity to register to vote in federal elections.

The **Help America Vote Act of 2002 (HAVA)** requires jurisdictions responsible for conducting federal elections to provide at least one accessible voting system for persons with disabilities at each polling place in federal elections. The accessible voting system must provide the same opportunity for access and participation, including privacy and independence, that other voters receive.

Source: [https://www.ada.gov/ada\\_voting/ada\\_voting\\_ta.htm](https://www.ada.gov/ada_voting/ada_voting_ta.htm)

Dennis Burgess  
Comments on  
Voting

In this very important election year, persons with disabilities are faced with the decision of which candidate will represent our best interest. We must examine each candidate’s position on disability rights to ensure that the rights we have gained over the past twenty five years will continue to be protected and improved.

The Americans with Disabilities Act should not be looked upon as a charitable contribution from the government but as a law that guarantees persons with disabilities equal rights and accessibility. We as persons with disabilities must remember that Disability Rights are equal rights and our elected officials must realize this. A candidate cannot simply say “look at all that I have done to improve accessibility for persons with disabilities in my buildings” and expect praise from the disability community because equal accessibility in public buildings is the law, not an option.

## A 2016 Candidates Guide to the Disability Vote

The "Daily Dot" offers good advice to candidates who want the disability vote. In their online article the Dot offers 5 points of advice relevant to understanding the disability community. These are:

1. There's more than one way to view a disability
2. Disabled people and their families are separate constituencies
3. Disabled people have different perspectives on certain contentious issues
4. Just saying you "support the disabled" is meaningless
5. Avoid patronizing actions, words and phrases

For their explanation of each point go to: <http://www.dailycdot.com/layers8/disability-voters-2016-election/>

**Assistance to voters from the voter's close family members is allowed as to:** (1) Entering the voting booth (2) Preparing the ballot (3) Exiting the voter booth

**A voter in the following 4 categories is entitled to assistance from a person of the voter's choice, other than the voter's employer or employer's agent or an officer or agent of the voter's union:**

- (1) A voter who, on account of physical disability, is unable to enter the voting booth without assistance.
- (2) A voter who, on account of physical disability, is unable to mark a ballot without assistance.
- (3) A voter who, on account of illiteracy, is unable to mark a ballot without assistance.
- (4) A voter who, on account of blindness, is unable to enter the voting booth or mark a ballot without assistance. (ncsbe.gov)

## PROVIDING ACCESSIBLE VOTING SYSTEMS AND EFFECTIVE COMMUNICATION

Help America Vote Act requires jurisdictions conducting **federal** elections to have a voting system (such as the actual voting machines) that is accessible, including to citizens who are blind or visually impaired, at each polling place. The accessible voting system must provide the same opportunity for access and participation, including privacy and independence, that other voters enjoy. States can satisfy this accessibility requirement through use of a direct recording electronic voting system or other voting system equipped for individuals with disabilities. In addition to HAVA, the ADA requires officials responsible for conducting all public elections to make sure that any accessible voting systems are maintained and function properly in each election, and that election officials have been adequately trained to operate them.

## **Curbside Voting**

If any qualified voter is able to travel to a voting place, but because of age or physical disability and physical barriers encountered at the voting place is unable to enter the voting enclosure to vote in person without physical assistance, that voter is allowed to vote in the vehicle conveying him or her. Every one-stop site and Election Day polling place provides spaces outside the regular voting place dedicated to curbside voting. Curbside voters may be assisted in their vehicles according to the same rules as voters who present inside a regular voting place. (Source: North Carolina State Board of Elections)

## **ABSENTEE BALLOT**

Voting a mail-in absentee ballot at home is another option used by elderly and disabled voters. Contact your county board of elections as to how to obtain a mail-in absentee ballot.

(Source: ncsbe.gov)

## **ENSURING POLICIES AND PROCEDURES DO NOT DISCRIMINATE AGAINST PEOPLE WITH DISABILITIES**

Public entities must ensure that they do not have policies, procedures, or practices in place that interfere with or prohibit persons with certain disabilities from registering to vote or voting based on their disability. For example, an election official cannot refuse to provide an absentee ballot or voter registration form to a person with a disability because the official knows the voter resides in a nursing home.

In addition, the ADA requires public entities to modify their voting policies, practices, and procedures when such modifications are necessary to avoid discrimination on the basis of a voter's disability. That requirement is relaxed only if election administrators can show that the proposed modification would fundamentally alter the nature of the voting program. For example, voters who use crutches may have difficulty waiting in a long line to vote. The ADA does not require that these voters be moved to the front of the line, but the public entity should provide a chair for them while they wait. For a voter with multiple sclerosis who may be unable to tolerate extreme temperatures, providing a chair inside the polling place may be an appropriate modification.

# **People with Mental Disabilities Have the Right to Vote**

Everyone wants to vote, including voters with mental disabilities. If you are a voter with a mental disability, you should know your rights. Knowing your rights will help make sure you can vote. Take this information with you when you go to vote so you will know what your rights are. You can also show this to others if you run into any problems. This paper tells lawyers and poll workers where to find the laws that protect your right to vote!

## **You do have the right to vote!**

If you are a person with a mental disability and understand what it means to vote, federal law protects your right to vote.

The laws that protect that right: The Constitution and the Americans with Disabilities Act, 42 U.S.C. §12132; *Doe v. Rowe*, 156 F.Supp.2d 35 (D.Me.2001).

## **You have the right to get help from a person you choose.**

If you can't read or need help voting because of your disability, you can have someone help you vote.

You can bring a friend, family member or someone else you trust to help you.

You can ask the poll worker to help you if you didn't bring anyone with you.

The law that gives you that right: The Voting Rights Act, 42 U.S.C. §§1973aa-6; The Americans with Disabilities Act, 42 U.S.C. § 12132

## **If you have a problem, you can get help by calling 1-866-OUR-VOTE**

Lawyers are available to give voters with disabilities and other voters advice and help with voting problems, so call 1-866-OUR-VOTE (1-866-687-8683).

## **The law says everyone gets to cast a ballot, so don't leave without voting!**

Even if someone says you cannot vote, the law says the poll worker must allow you to vote a special ballot called a Provisional Ballot.

Later, an election worker will decide whether you are allowed to vote in the election. If you are, your vote will be counted.

The law that gives you that right: The Help America Vote Act, 42 U.S.C. § 15482

Source: <http://www.bazelon.org/LinkClick.aspx?fileticket=AMhePJMA5lw%3D&tabid=315>

## National Organizations for Disability Voting Rights Information

Type the following in your search engine to get the information online:

- [Disability Vote Project: American Association of People with Disabilities](#)
- [Disability and Voter Turnout](#) Reports and Fact Sheets on voter turnout by people with disabilities
- National Disability Rights Network – [Election Center 2016](#)
- National Council on Disability: “[Experience of Voters with Disabilities in the 2012 Election Cycle](#)”, October 2013
- [Bazelon Center 2012 Voting Rights Guide for People with Mental Disabilities](#)

### Contact Us

Give us a call for more information about our services

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