

Inclusive Federal Election Reform

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One of the fundamental rights guaranteed to Americans is the right of voting through a secret ballot. However, this right is often denied to Americans with disabilities and other disenfranchised groups, such as senior citizens, people from diverse cultures, and those who have low incomes. Statistics¹ show that for 35 million voting-aged citizens with disabilities:

- 14 million people of voting age who have a disability are unregistered voters
- People with disabilities vote at a rate 11 percent lower than the general population
- 81 percent of voters who are blind or have visual impairments rely on others to mark their ballots
- An estimated 20,000 of the nation's 170,000 polling places are inaccessible to voters who use wheelchairs²
- 1,231 of the 1,681 (73%) polling places in Philadelphia were physically inaccessible to voters with disabilities

These statistics highlight the need to improve voting procedures and systems. President George W. Bush's *New Freedom Initiative* contains proposals for improving access to polling places and ballot secrecy. Many proposals to reform the electoral process are currently before the 107th Congress. Voting reform will certainly be considered and likely enacted in time to affect the 2002 elections. It is imperative that any voting reform law also provides full access for voters with disabilities, and allows for their private and independent voting.

The major issues for voters with disabilities range from opportunity for voter registration and implementation of existing laws to the review of policies, procedures, and practices such as the availability and dissemination of culturally sensitive information, and universal design. In its *1999 Progress Report*, the National Council on Disability (NCD) recognized the critical need for election reform and reiterated "its challenge to the President and Congress to enact legislation ... [that] would include the recognition of the right of all individuals to vote independently, guaranteed accessibility to all stages of the electoral process (from voter registration to election-day practices), and meaningful technical assistance and enforcement mechanisms to ensure the right to vote." NCD has also noted that "many election officials are considering moving to a system of voting that would enable people to vote by computer or through other remote technologies." Although the existing laws for voting have paved the way for more Americans to vote, they neither include enforcement components nor address in a comprehensive way the use of current technology, including universal design, to promote full participation by all citizens. NCD recommended that these new systems be made accessible to all people with disabilities (NCD's *1997 Progress Report*). In its 1999 report, *Implementation of the National Voter Registration Act by State Vocational Rehabilitation Agencies*, NCD reported that 75 percent of people with disabilities who received services from state vocational rehabilitation agencies were never asked to

register to vote as the law requires. A 2000 Harris poll indicates that 42 percent of this group still was not offered the opportunity to register.

NCD's report, *Lift Every Voice: Modernizing Disability Policies and Programs to Serve a Diverse Nation* (December 1999), included accounts of unequal opportunity for citizens from diverse racial and ethnic groups to access and participate in various areas of society, including voting. The National Council of La Raza has raised accessibility issues related to language needs and the voting process. The National Association for the Advancement of Colored People has publicized findings of voter disenfranchisement and allegations of discrimination. The Leadership Conference on Civil Rights gave recent testimony before Congress that included the disenfranchisement of citizens, including people with disabilities.

Although a Harris poll reported an increase in the number of people with disabilities voting in the recent Presidential election, according to the National Organization on Disability, if people with disabilities voted at the same rate as the general population, there would have been 3.5 million more votes cast in November 2000. The overall impact of unmet accessibility needs of people with identified disabilities, and findings on other citizens with conditions such as those related to the aging process have not yet been evaluated.

To effectively address the broad range of issues related to voting accessibility and to develop strategic actions at the national level, NCD makes the following four key recommendations drawn from those offered in its past reports:

1. The President and Congress must enact federal legislation that incorporates the use of modern technological concepts and systems capable of ensuring full participation by all citizens. Existing conditions, needs, and strategies to remove barriers must be identified and included in voting reform legislation with provisions that recognize and support the right of all individuals to vote independently. In particular, any voting reform legislation should: (a) address voting access for people with vision, hearing, cognitive, physical, language, and technology needs; (b) set uniform federal guidelines and criteria for the receipt and use of federal funds, including requiring the purchase of accessible systems only—which would parallel restrictions imposed on the use of federal funds by the Rehabilitation Act; and (c) require accountability processes for implementing the guidelines.
2. The President and Congress must address complex issues and concerns surrounding existing federal legislation and effective ways to improve those laws through amendments or regulatory action. It is imperative, however, that current rights and protections are maintained, rather than diminished. NCD reiterates its recommendation to amend the 1984 Voting Accessibility for the Elderly and Handicapped Act to include guaranteed accessibility to all stages of the electoral process (from voter registration to election-day practices), and meaningful technical assistance and enforcement mechanisms to ensure the right to vote.
3. NCD encourages bipartisan national, state, and local voter registration and get-out-the-vote initiatives for people with disabilities and other disenfranchised Americans. Any comprehensive federal voting reform legislation must incorporate basic provisions for culturally sensitive, ongoing training and education of public officials, employees, and the general public about all aspects of voting. It is also imperative that public service providers, poll workers, election

officials, and ordinary citizens are provided concrete opportunities to increase their awareness of applicable laws and effective practices.

4. The President and Congress must contact key citizens from disenfranchised groups and include them on any commission or similarly named body to investigate the status of the full range of voting accessibility issues in America. Any dialogue on voting reform issues should include cross-disability and cross-cultural representation of these stakeholders.

NCD urges our nation's leaders to respond in a timely manner to these recommendations in order to ensure full participation in democratic processes by all of our citizens. Our society at-large will be the ultimate beneficiary.

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The National Council on Disability (NCD) is an independent federal agency making recommendations to the President and Congress on issues affecting 54 million Americans with disabilities. NCD's overall purpose is to promote policies, programs, practices, and procedures that guarantee equal opportunity for all individuals with disabilities, regardless of the nature of severity of the disability; and to empower individuals with disabilities to achieve economic self-sufficiency, independent living, and inclusion and integration into all aspects of society.

¹ Data extracted from material compiled by the National Organization on Disability and Louis Harris Poll/Harris Interactive

² Paralyzed Veterans Association testimony 03-07-01, based on 1999 Report of the National Voter Independence Project