

## **The Right to Participate in Political and Public Life by Persons with Disabilities – Illustrations of Implementation from the United States – Quick Reference**

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This paper provides examples of the implementation of U.S. disability laws pertaining to participation in political and public life. A more detailed description is provided in the attached policy paper.

The Voting Accessibility for the Elderly and Handicapped Act of 1984 (VAEHA) requires that federal election polling places and voter registration facilities are accessible to individuals with disabilities. The U.S. Congress later enacted the National Voter Registration Act of 1993 (NVRA), which, although does not specifically mention individuals with disabilities, does seek to increase the number of voters, including requiring assistance be given to individuals in completing voter registration forms. The Help America Vote Act of 2002 (HAVA) also contains provisions that affect individuals with disabilities. The statute provides federal funding for replacing outdated voting technology and for making available technologies that are uniform and accessible to individuals with disabilities.

- **Physical Barriers**

Federal law and regulations require modifications to the physical environment, which include ensuring that parking spaces, sidewalks, and entrances at polling places are accessible, and providing accessible and private voting booths so that individuals may vote independently.

- **Informational Barriers**

Federal law and regulations also require accessible voting information. These modifications include providing aids to assist individuals at polling places and registration facilities and providing information regarding the availability of aids and assistance to the elderly and individuals with disabilities prior to election day.

- Attitudinal Barriers:

In order to receive federal funding under HAVA, states must train polling place workers to effectively assist individuals with disabilities.

In addition, federal agencies have implemented several safeguards to help ensure that individuals with disabilities are able to participate in the political process.

- Technical Assistance

The Department of Justice (DOJ) has several means of assisting states in providing meaningful access. DOJ has produced several handbooks on VAEHA compliance in providing accessible polling places and has created a website containing these handbooks. DOJ also conducts presentations for state election officials to assist them in complying with federal law.

- Compliance Monitoring

Under VAEHA, state election officials must provide a report to the Federal Election Commission (FEC) every two years regarding the number of accessible and inaccessible polling places within the state. The FEC, in turn, compiles the information in a report to Congress.

- Enforcement

The VAEHA, NVRA, and HAVA are enforced by the Department of Justice, which may bring legal action against an entity for non-compliance. Individuals may also bring a private cause of action in the courts.