Voters With Disabilities: Accessible Voting

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Disability Rights California advocates, educates, investigates, and litigates to advance the rights, dignity, equal opportunities, and choices for all people with disabilities.
Class covers:

- Requirements such as accessible voting systems for in-person voting
- New technology that will allow for accessible vote by mail
- Rules for voting if under a conservatorship
- Steps California has taken to improve voter registration rates
- LA County’s development of innovative new accessible voting equipment
- Shift to vote centers in 2020 under the Voter’s Choice Act
- Opportunities to join local committees to help improve election accessibility
A private and independent ballot is everyone’s right.
Under the Help America Vote Act of 2002, polling places should be accessible to persons with disabilities and this includes accessible path of travel and accessible voting systems.
Polling Place Accessibility

Parking: Must have access on aisle and disabled parking sign

Path of Travel: there must be an accessible route to the entrance of the polling place from:
- accessible parking
- passenger drop-off sites
- sidewalks and walkways
- public transportation stops
- Ramps
- Protruding objects: must be detectable by someone using a cane
- Building entrance: must be big enough for mobility device
Accessible Voting System

In California, every polling place is required to have one accessible voting system.

- These systems ensure that a person with a disability can vote privately and independently.
- These voting systems are both accessible via touch screen or through audio interface.
Other options

- Voters with disabilities may have anyone assist them with voting including family or poll workers.

- Curbside voting: If a polling place is not accessible to people with disabilities, a poll worker must bring a regular ballot to a person with disabilities outside of the polling place (e.g., parking lot or sidewalk).
Assisting Voters with Disabilities

- Voters with disabilities may have anyone assist them with voting, except for their employer, an agent for their employer, or a member of their union. California Election Code Sec. 14282(a).

- A voter with a disability may have no more than two persons assist him/her to vote. California Election Code Sec. 14282.
Registering to VOTE

• Fill out a voter registration card.
• Register online!
• 16 and 17 year old can pre-register to vote!
• The DMV: Must offer customers voter registration opportunities for most transactions. All field offices now have an accessible computer for completing forms and registering to vote!
• State funded agencies that primarily serve people with disabilities must offer voter registration opportunities!
National Voter Registration Act

SB 35/NVRA Monthly Reports by County and Agency Office/Site

2018

- January (XLS)
- February (XLS)
- March (XLS)
- April (XLS)
- May (XLS)
- June (XLS)

2017

2016

2015

2014

2013
Who Can Vote?

1. You have the right to vote if:
   a. You are 18 or older.
   b. You are a United States citizen.
   c. You have not been convicted of a felony.
   d. You are registered to vote at your current address.
   e. You are not currently found to be mentally incompetent by a court of law.
SB 589 and Restoring Voting Rights in California

In 2015, the California state legislature passed a law called SB 589. The main provision in SB 589 is that, before a court removes the right to vote from a person under a conservatorship, it must have “clear and convincing evidence” that the person cannot communicate, with or without reasonable accommodations, their desire to participate in the voting process.

Also, there is a presumption that a person who has completed a Voter Registration Card is able to communicate their desire to participate in the voting process.
A conservatorship can only take away someone’s right to vote when a court finds a conservatee “mentally incompetent.”

“Mentally Incompetent”: clear and convincing evidence that the person cannot communicate, with or without reasonable accommodations, a desire to participate in the voting.
What if a voter asks you if they are eligible to vote:

Check the order appointing a conservator (GC 340). There should be a section that says whether or not the conservatee has been disqualified from voting. If the box is not checked, they are eligible to vote.

Check the county elections office records to see if they are eligible.

If the voter is a client of the local regional center, ask the case manager to check.

Ask the conservator if the conservatee has the right to vote. (IMPORTANT: Please note that the conservator does not control the right to vote.)
How Can Someone get the Right to Vote Back?

The court will have to make a new decision. Upon review of the conservatorship, the judge will determine if, by clear and convincing evidence, the person cannot communicate, with or without reasonable accommodations, a desire to participate in the voting process. Unless the person is found incapable of communicating that desire, the person’s right to register to vote shall be restored, and the court shall so notify the Secretary of State and the county elections official in the format prescribed by the Secretary of State.

A conservatee can get the right to vote back by waiting for the court’s regular review of the conservatorship, or by contacting the court and requesting a review.
How can Someone get the right to vote back? (Cont’d)

If someone wants their voting rights reviewed right away, they can contact the court to request a review of the right to vote. A letter can be directly mailed or sent to the court. Use the DRC toolkit (https://www.disabilityrightsca.org/system/files/file-attachments/559001.rtf)!
Emergency Medical Ballot

Can request ballot even after the deadline when:
- You cannot leave nursing facilities, hospitals, or your homes because of an illness or disability.
- You can’t go to a polling place because of a physical disability.
- Your polling places is not accessible.
- Voting equipment at polling places is not accessible.
Requesting and Returning an Emergency Medical Ballot

To request Emergency Medical Ballot, give a signed written statement to your elections official explaining why you need the ballot

a. Someone can help you, but they must write the words “Witnessed by” on your statement and sign their name
b. Your elections official should mail you a ballot and identification envelope
c. You must return ballot and sealed identification envelope
d. Sign your name and write the date on the envelope
e. Write the name of the person who you want to return the ballot on the envelope
Language Accessibility

Adequate Language Assistance for Voters:

Federal and State laws require that the state and county provide for language assistance for certain language minorities, who need to vote in a language other than English.
### Languages available on Ballot Marking Device:

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The Voter’s Choice Act

Los Angeles County is adopting a new election system beginning with the March 2020 Presidential Primary

You will have **3 choices** for how to vote:

**VOTE BY MAIL**
You can mail your ballot
People with disabilities may be able to download the ballot and use their own assistive technology to read and mark it. They may print and mail it back or return it to a drop box.

**DROP BOX**
You can drop off your ballot at *any* secure location
No postage required at Drop Boxes

**VOTE CENTER**
You can vote in person at *any* Vote Center in your county
Vote Centers will be open 11 days in a row. You can:
• Vote or drop off your ballot
• Get language assistance
• Use an accessible voting system
• Extended hours on election day
Background

• The Voter’s Choice Act (VCA) was passed in 2016 to improve convenience for voters, increase turnout, and to expand participation in elections to include more of California’s diverse demographics.

• In 2018, five counties pioneered the new law: Madera, Napa, Nevada, Sacramento and San Mateo.

• In the 2020 Presidential Election, nine additional counties will have a new and modern voting experience under the VCA, including the El Dorado, Fresno, Los Angeles, Mariposa, Orange, Santa Clara, Amador, Butte and Tuolumne.

• LA county has its own modified version of the VCA.
  o They do not automatically mail ballots to all registered voters.
  o They have more vote centers.
  o 1 in 4 voters in CA live in LA!

• Voters with disabilities, in all 58 counties beginning in 2020, will be able to download a ballot, fill it out with their own device, print it and return to the County Elections Office by 8PM on Election Night.

• In order for the VCA to be successful, active participation by community-based organizations, especially ones serving the disability community, is key.
Why the Change?

_You choose how you vote:_ Whether using the mail, a drop box or a vote center, you choose the method that works best for you.

_You choose when you vote:_ Instead of just one day to vote, you can vote:

- By mail or drop off starting a month before the election.
- In person during an 11-day period — including weekends — ending on Election Day.
- And there will be extended hours on vote centers so they will be open in the evenings.
Why the Change? (continued)

**You choose where you vote:** You can vote in person at any Vote Center in your county or drop off the ballot at any secure drop box.

- E.g. You could vote near where you work or go to school – you can get your ballot anywhere in the county.
- No wrong polling place problem = fewer Provisional ballots!

**You get the support you need:** Vote center staff, who will be trained more extensively than poll workers are now, will be there to assist voters, including providing assistance in multiple languages and helping voters with disabilities vote privately and independently.
What’s in the Vote Center?

- 10 to 50 accessible voting systems or ballot marking devices

- Conditional voter registration (same-day voter registration)

- Ballot drop off

- Ballot replacement

- Vote at any vote center in the county
How Many Vote Centers Must There Be?

- On Election Day, and the three days before, there will be one vote center for every 7,500 voters (as opposed to one polling place for every 1,000 voters now).

- For the six days prior, there will be one vote center for every 30,000 voters.

- Vote centers will be open normal business hours, including weekends. On Election Day, vote centers will be open 7am-8pm.
How Does This Change Affect Voters with Disabilities?

- Many voters with disabilities find it easier to vote by mail.

- For people with certain disabilities, (e.g. people who are blind or have vision loss, people with mobility, dexterity or intellectual and developmental disabilities) voting by mail requires them to waive their right to a private and independent ballot because the paper ballots require voters to be able to read the ballot independently and be able to use a pen to mark the ballot.

- County elections officials need to consider the proximity of vote centers to voters with disabilities because it is the only way many of them can cast a private and independent vote.
  - Things such as proximity to public transportation, proximity to population centers, proximity to minority communities, and various other factors will be considered.

- Also, many voters with disabilities have a hard time finding transportation and if the center is too far away they may not be able to get there.
L.A. County’s Voting Solutions for All People (VSAP)
Features of the Ballot Marking Device

- Touchscreen interface.
- Audio instructions with tactile keypad controller.
- Multiple language capabilities.
- Adjustable font size.
- Adjusting screen contrast.
- Sip and puff and paddle switch capabilities.
Remote Accessible Vote-By-Mail

• By using Remote Accessible Vote-By-Mail, a voter can use their own assistive technology to read and mark a ballot.

• Because of security concerns they will need to print the ballot and mail it back.

• The Secretary of State has certified two systems and another one is in the process of getting tested.
How does RAVBM work?

1. A voter would request a RAVBM from their County elections office.
   • Postage paid application (required under the VCA)
   • Phone
   • Email
   • Online

2. Once request is received, an email with a link to the RAVBM will be sent to the voter.

3. Voter would click on link and enter their voter information in a secured portal.
   • At this time, the voter would affirm they are a voter with a disability (type of disability is not asked).

4. Voter downloads their specific ballot type and any additional information and instructions on how to mark and return the ballot.
How does RAVBM work? (Continued)

5. Voter marks their ballot using own assistive technology (jelly switches, screen readers, mouse keys, sip and puff, etc). See online demo on DRC’s YouTube page

6. Once complete, voter prints out ballot with their selections and places in envelope.
   • Envelope mailed with VBM ballots or downloaded with supporting documents/information

7. Voter signs envelope.

8. Voter can return ballot by mail (postmarked and received within 3 days), drop box, or polling place/vote center by 8pm on Election Day. Voter can check the status of their ballot.

At the elections office:

1. Voter’s file is reviewed to verify the voter did not already vote

2. RAVBM envelope is signature checked against voter’s registration

Once above steps are cleared, ballot will be opened and duplicated onto an official ballot for tabulation and included in the official results
Voter’s Choice California

- There is a coalition of civil rights organizations, good government advocates, community-based organizations and county elections officials called Voter’s Choice California (VCC).

- VCC is working with county elections offices to help ensure that all voters benefit from, or at least not have their voting rights harmed by, the Voter’s Choice Act.

- The steering committee includes DRC, the ACLU of California, the League of Women’s Voters, Asian Americans Advancing Justice, the National Association of Latino Elected Officials (NALEO) and California Association of Clerks and Elections Officials (CACEO).

- VCC’s website is https://voterschoice.org/. Great resources are available on the VCA!
Community Input on the VCA

Local voices are critical since you understand your communities the best. You know where Vote Centers and Drop Boxes should be placed. You know how and where voter education should be done.
How to Provide Feedback on the Written Plan

- Read the draft plan on your county’s website
- Use Review Guide and Checklist handed out to prepare comments
- Submit comments
  - At the Public Hearing
  - By mail
  - By e-mail
  - By phone
Do Voter Education & Outreach

Plan to start community education a few months before the 2020 elections.

- Closer to the election, the County will be holding voter education workshops.
  - There will be at least one bilingual workshop each in Spanish, Chinese, Tagalog, Japanese, and Hindi.
  - There will also be a workshop for voters with disabilities.

- Or, organizations are encouraged to hold their own voter education meetings and workshops.
Do Voter Education & Outreach

Other options:

• Share information about the Voter’s Choice Act at any community event.

• Distribute informational flyers in community spaces.

• Spread the word through mainstream, ethnic, and social media.

• Your ideas?
Voting Accessibility Advisory Committees
What Are Voting Accessibility Advisory Committees (VAAC)?

1. Voting Accessibility Advisory Committees, or VAACs, are community-based committees that includes people who represent the disability community in the local county.

2. The Committee provides the County Elections staff with feedback and input on ways to make elections more accessible in their County.

3. The Committee also assists the County to comply with election laws and helps provide equal access to all voters.
Questions?