## Chapter 14 <br> Disability

The U.S. Election Assistance Commission's (EAC) final area of inquiry on the Election Day Survey was disability issues surrounding precincts and polling places. Besides establishing base numbers of precincts and polling places, the EAC sought information on three different types of disability related to voting systems and polling locations. Question 21 on the survey asked for the number of polling places: (1) that could be accessed by a voter who uses a wheelchair, 2 ) where a visually impaired voter could cast a private ballot, and 3) where a physically disabled voter could cast a ballot on an accessible voting system.

## Applicability and Coverage

As noted earlier in chapter 13 on polling places, the Election Day Survey unveiled some differences in how states treated precincts versus polling places. While most states reported data for both precincts and polling places, a handful of states reported data for only one item. For example, the state of Connecticut provided information only for polling places, not for precincts. On the other hand, the states of Georgia, Maine, Minnesota, South Carolina, and West Virginia only provided the number of precincts in each jurisdiction, but provided no information on the number of polling places. Because of the different ways in which states responded to question 21, we have calculated all data for our analysis for both precincts and polling places.

The most significant issue in this chapter is the overall lack of data. Only 26 of the 55 states and territories provided information on disability in response to question 21. While a greater number of polling places were reported to be wheelchair-accessible (question 21a), the much smaller numbers of polling places reported to be available to the visually impaired (question 21b) or physically disabled (question 21c) may have resulted from how the survey questions were worded. Some states reported that they interpreted the last two questions as seeking information on the voting equipment in use and its accessibility, rather than the physical configuration of the polling place.

## Historical Context

Federal laws on voting assistance to persons with physical and sensory disabilities extend back at least 40 years to the Voting Rights Act of 1965. Under Section 208 of the Act, voters requiring assistance to vote by reason of blindness, disability, or inability to read or write were entitled to assistance by a person of the voter's choice. The next major piece of legislation focused on the accessibility of polling places and voter registration facilities. The Voting Accessibility for the Elderly and Handicapped Act of 1985 (P.L. 98-435) required election jurisdictions to ensure that all polling places for federal elections were accessible to elderly and handicapped voters, and required jurisdictions to provide a reasonable number of accessible permanent registration facilities, unless alternatives such as registration by mail were available. States also were required to make registration and voting aids such as large-type instructions and information by telecommunications devices for the deaf (TDDs) available to disabled voters and to report the number of accessible and inaccessible polling places to the Federal Election Commission (FEC). Until then, states had
generally relied on procedures such as absentee voting to serve the elderly and persons with disabilities, although by 1984, 22 states had laws on polling place accessibility.

Discrimination against individuals with disabilities in voting, as well as housing, education, employment, transportation, public accommodations, and other areas was mentioned in the preamble to the Americans with Disabilities Act (ADA) (P.L. 101-336), enacted in 1990. Regulations promulgated by the U.S. Department of Justice applied the "ADA Standards for Accessible Design" (28 CFR Part 36) to polling places. The ADA standards addressed issues such as parking, passenger drop-off areas, sidewalks and walkways, and building entrances and corridors for voters using wheelchairs or other mobility devices as well as voters who are blind or have low vision.

One of the basic purposes of the National Voter Registration Act of 1993 (NVRA), also known as "Motor Voter," was to increase historically low registration rates among minorities and persons with disabilities by requiring government offices providing services to persons with disabilities to provide all program applicants with voter registration forms and assist persons with the completion of the forms and transmittal to voter registration authorities. The Help America Vote Act of 2002 (HAVA), enacted 10 years later, required that voting systems used in federal elections meet requirements on accessibility for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired. HAVA provided funds to states to replace problem-plagued punch card and mechanical lever voting machines, generally not accessible to disabled voters, and required jurisdictions to provide at least one direct recording electronic (DRE) voting system or other voting system equipped for individuals with disabilities at each polling place. HAVA also provided funding for improvements to make polling places accessible to individuals with disabilities and to provide disabled voters with the same opportunities for access and participation, including privacy and independence, as for other voters.

## Survey Results

Table 14 presents data on polling place accessibility from question 21 of the Election Day Survey. In the table, the numbers of accessible polling places are calculated as percentages of the total number of polling places. The column headings in Table 14 are as follows:

Table 14 Column Headings. Disability

| Col. | Heading | Description |
| :---: | ---: | :--- |
| 1 | Code | State census code |
| 2 | Name | Respondent to Election Day Survey |
| 3 | Jurisdiction | Number of local election jurisdictions from survey question 22 |
| 4 | Total Number <br> of Precincts | Number of precincts from survey question 19 |
| 5 | Cases | Number of jurisdictions that responded to question 19 |
| 6 | Total Number | Number of polling places from survey question 20 |
| 7 | of Polling Places |  |
| 7 | Cases | Number of jurisdictions that responded to question 20 |

Table 14 Column Headings (cont.)

| Col. | Heading | Description |
| :---: | :---: | :---: |
| 8 | Number of Polling Places Accessible, Wheelchair | Number of polling places accessible by wheelchair from survey question 21a |
| 9 | Cases | Number of jurisdictions that responded to question 21a |
| 10 | Percent of Precincts Accessible, Wheelchair | Number of polling places accessible by wheelchair (col. 8) divided by number of precincts (col. 4) |
| 11 | Cases | Number of jurisdictions that responded to questions 4 and 21a |
| 12 | Percent of Polling Places Accessible, Wheelchair | Number of polling places accessible by wheelchair (col. 8) divided by number of polling places (col. 6) |
| 13 | Cases | Number of jurisdictions that responded to questions 6 and 21a |
| 14 | Number of Polling Places Accessible, Visually Impaired | Number of polling places where the visually impaired can cast a private ballot from survey question 21b |
| 15 | Cases | Number of jurisdictions that responded to question 21b |
| 16 | Percent of Precincts Accessible, Visually Impaired | Number of polling places where the visually impaired can cast a private ballot (col. 14) divided by number of precincts (col. 4) |
| 17 | Cases | Number of jurisdictions that responded to questions 4 and 21b |
| 18 | Percent of Polling Places Accessible, Visually Impaired | Number of polling places where the visually impaired can cast a private ballot (col. 14) divided by the number of polling places (col. 6) |
| 19 | Cases | Number of jurisdictions that responded to questions 6 and 21b |
| 20 | \# of Polling Places Accessible, Physically Disabled | Number of polling places with an accessible voting system for physically disabled voters from survey question 21b |
| 21 | Cases | Number of jurisdictions that responded to question 21b |
| 22 | Percent of Precincts <br> Accessible, <br> Physically Disabled | Number of polling places with an accessible voting system for physically disabled voters (col. 20) divided by the number of precincts (col. 4) |
| 23 | Cases | Number of jurisdictions that responded to questions 4 and 21c |
| 24 | Percent of Polling Places Accessible, Physically Disabled | Number of polling places with an accessible voting system for physically disabled voters (col. 20) divided by the number of polling places (col. 6) |
| 25 | Cases | Number of jurisdictions that responded to questions 6 and 21c |

## Analysis of Survey Results

The following is our analysis of the data in Table 14 for each of the 18 cross-tabulation factors described earlier in this report. A description of each factor follows a general summary and a statelevel summary of the survey data.

1) Regions 10) Changed Voting Equipment since 2000
2) Urban to Rural
3) Size of Jurisdiction
4) Statewide Voter Registration Database
5) Race and Ethnicity
6) Election Day Registration
7) Median Income
8) High School Education
9) Section 203 Language Minority Requirements
10) Provisional Ballot Acceptance
11) No Excuse Absentee Balloting
12) Early Voting
13) Battleground States
14) Presidential Margin of Victory
15) Section 5 Preclearance of Voting Procedures
16) Red versus Blue Jurisdictions

This analysis is based only on data that was reported to the EAC on the Election Day Survey. Many state responses to a survey question or part of a question did not cover all local election jurisdictions. In Table 14 as well as other tables in this report, a jurisdiction was excluded from a statistical calculation if its response was missing for one or more of the data items (i.e., columns) used in the calculation. A column labeled "Cases" next to each statistical calculation shows the number of jurisdictions covered by that calculation.

## Summary

Overall, 92.4 percent of the polling places and 71.7 percent of the precincts in this nation were reported to be wheelchair-accessible. However, this information reflects data from only half of the nation's election jurisdictions. Fewer than a quarter of the precincts and polling places were reported by the states as being locations where a visually impaired voter could cast a ballot in private. A physically disabled voter could cast a ballot on an accessible voting system in only about half the precincts and slightly more than 70 percent of the polling places.

## States

Most of the states that reported accessibility information claimed that nearly all polling places were wheelchair-accessible. Twenty-three of the 26 states that responded said that more than 90 percent of their polling places would allow a voter using a wheelchair to cast a ballot. Most of the other states reported that more than 80 percent of their polling locations were accessible. Virginia reported the lowest percentage, but it was most likely because not all the jurisdictions responded to the survey.

## Regions

All four regions of the nation reported that more than 90 percent of polling places were wheelchairaccessible. Of the jurisdictions that reported, those in the West had the highest percentage of accessible polling places, at over 99 percent. The South had the lowest percentage, yet 91.8 percent of polling places were wheelchair-accessible.

## Urban to Rural

Suburban locations reported the highest percentage of accessible polling places, at over 98 percent. Rural jurisdictions reported the lowest accessible rate, but that was only 92.2 percent.

## Size of Jurisdictions

The smallest jurisdictions reported the lowest percentage of accessible polling places-about 90 percent of polling locations could accommodate wheelchairs. As jurisdictions got larger in size, their accessibility scores improved.

## Race and Ethnicity

Predominantly African American jurisdictions in this nation reported that only 81 percent of their polling locations were accessible, while predominantly Non-Hispanic White jurisdictions reported 94 percent accessible sites. Predominantly Hispanic jurisdictions reported that nearly all polling places were accessible.

## Median Income

The poorest jurisdictions reported the lowest accessibility of polling places. While accessibility rates rose as income levels increased, they peaked at the upper middle class jurisdictions and then declined slightly in the highest income jurisdictions.

## High School Education

Education levels in jurisdictions did not appear to have an impact on whether polling locations were accessible.

## Section 203 Language Minority Requirements

Surprisingly, jurisdictions that are covered by the language minority provisions of the Voting Rights Act had a much higher rate of accessibility than jurisdictions that were not covered.

## Section 5 Preclearance of Voting Procedures

Whether or not the jurisdiction was covered by Section 5 of the Voting Rights Act correlated to very small differences in accessibility.

## Type of Voting Equipment

The only difference in wheelchair accessibility is in paper ballot jurisdictions, which average only 91 percent accessible, compared to the mid-90s for all other types of voting equipment. For the visually impaired question, only 41 percent of optical scan jurisdictions reported their polling places were accessible. But because this score is so much lower than other types of equipment jurisdictions, it is very possible that the low score reflected the nature of optical scan equipment, which is more difficult to use for visually impaired voters.

## Changed Voting Equipment since 2000

Jurisdictions that have changed their voting equipment in the past four years report a slightly higher rate of accessibility in their polling locations than those jurisdictions that have not changed equipment.

## Statewide Voter Registration Database

Jurisdictions in states with a statewide voter registration system in place for the 2004 election actually reported a higher rate of accessibility than states that did not have a statewide registration system.

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## Election Day Registration

Jurisdictions that had Election Day registration had a slightly higher rate of accessible polling places than nonelection day registration jurisdictions.

## Provisional Ballot Acceptance

Jurisdictions that accept provisional ballots from anywhere in the jurisdiction had a slightly higher rate of accessibility than jurisdictions that required voters to cast provisional ballots in their home precincts.

No Excuse Absentee Balloting
Jurisdictions that allowed no excuse absentee balloting had a higher rate of accessibility than jurisdictions that did not.

## Early Voting

Jurisdictions that allowed early voting had a slightly higher accessibility rating than jurisdictions that did not allow early voting.

## Battleground States

There was no real difference in accessibility between jurisdictions in battleground or nonbattleground states.

## Presidential Margin of Victory

There was no real difference in accessibility between those jurisdictions that reported different margins of victory than in other jurisdictions. [This statement is vague; what does "different margins of victory" mean?]

## Red versus Blue Jurisdictions

Jurisdictions that were carried by Senator Kerry in the 2004 presidential election had slightly higher rates of accessibility than jurisdictions won by President Bush.

## REFERENCES

Kimberling, William C. 1988. "Access for All." The FEC Journal of Election Administration 15(Autumn).
U.S. Department of Justice. Civil Rights Division. Disability Rights Section. 2004. ADA Checklist for Polling Places. February.



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