

**Texas Election Administrators Guide  
to Working with Voters with Disabilities**

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## Introduction

An election administrator must be **efficient problem solver**, making decisions sometimes “on the fly” that determine whether or not an individual’s vote can be counted. An election administrator must be **organized, diplomatic and fair** in the administration of elections.

Election Administrators must meet the challenge of serving the needs of a diverse community, including individuals with disabilities, who often face barriers to voting that require extra vigilance to ensure equal access to voting.

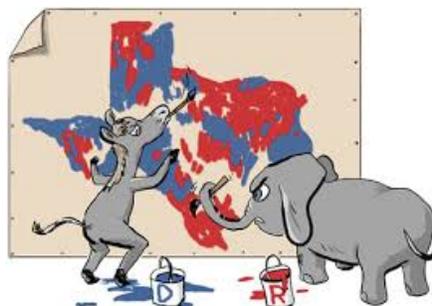
People with disabilities have the same right to vote as all other U.S. citizens and Texas residents who are over 18 years old.

**Accessibility, however, can be a barrier for many of these individuals.**

Election administrators play an important role in ensuring accessibility and access to voting for individuals with disabilities through:

- 1) understanding voting issues surrounding people with disabilities,,
- 2) ensuring accessibility of the polling place, and
- 3) ensuring accessibility of the voting equipment.

**This manual is broken up into the above three categories and will provide a brief overview of each area.**



## **About Disability Rights Texas**

Disability Rights Texas is the legal protection and advocacy (P&A) agency for people with disabilities in Texas, our mission is to help people with disabilities understand and exercise their rights under the law, ensuring their full and equal participation in society. The Help America Vote Act (HAVA) of 2002 provided funds to each state's P&A "to ensure the full participation in the electoral process for individuals with disabilities, including registering to vote, casting a vote, and accessing polling places." To achieve this objective, our agency provides training and technical support to county election officials, individuals with disabilities, and policy makers.

### **Services that Disability Rights Texas' HAVA Program Provides:**

- **Poll Worker Training**
  - We offer assistance and training to poll workers regarding proper etiquette when interacting with voters with disabilities and provide accessibility answers.
  
- **Pre-Screening of Polling Places for Physical Accessibility**
  - Provide pre-screening of potentially inaccessible polling places to identify accessibility problems and provide practical technical support in understanding the most cost-effective way to ensure access to voters with disabilities. We can also train your election officials on how they can survey polling places themselves.
  
- **Hotline for Voters with Disabilities and Poll Workers: 1-888-796-VOTE (8683)**

Our services are free of charge and designed to make voting a pleasant experience for voters with disabilities and to also help election officials be successful. If you are interested in any of our services, please contact the HAVA Training and Technical Support Specialist at 1-888-796-VOTE (8683) or [vote@drtx.org](mailto:vote@drtx.org).

## **Voting Laws That Apply to People with Disabilities**

- **Voting Rights Act 1965 (amended 1982)**

This law requires that persons who are blind or otherwise disabled "may be given assistance by a person of the voter's choice, other than the voter's employer or agent of that employer or agent of the voter's union"

- **Voting Accessibility for the Elderly and Handicapped (1984)**

This law requires that polling places across America be physically accessible for persons with disabilities. Pathways must be free of obstruction, passages must be wide enough to allow access for a wheelchair, and signs must be posted at a height to allow for a person using a wheelchair to read it. Each polling site must have an easily accessible voting booth that will accommodate a wheelchair user.

- **Title II of the Americans with Disabilities Act (ADA)(1990)**

This law requires that all public entities make "reasonable modifications to rules, policies, or practices" to ensure nondiscrimination in the programs, services, and activities of state and local governments." The Act protects qualified individuals with disabilities, who are defined as persons who "with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, [meet] the essential eligibility requirements" of the program, service or activity.

- **Help America Vote Act (HAVA) (2002)**

Among other provisions, HAVA provides funds to state and local governments for making polling places and voting systems accessible to all, including people with disabilities. The law aims for elections to be conducted "in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters."

## Voting Rights of a Person with a Disability

### Eligibility to Vote

Any United States citizen residing in Texas who:

- Is at least 18 years old on Election Day
- Has not been convicted of a felony, or if a prior felon, has completed all punishment (including any term of incarceration, parole, supervision, or period of probation), or has received a pardon
- Has not had their right to vote removed by a judge in a guardianship hearing.

### Voting Rights

People with disabilities have the right:

- to vote by themselves and make their own choices.
- to get help from a person of their choice or an election worker.
- to a physically accessible polling place and the use of an accessible voting machine.
- to be treated in the same way as all other voters. If the voter is properly registered, **it is not legal for anyone to question or challenge the voter's registration qualification or competence to vote.**

## **Polling Site Accessibility**

**Polling place accessibility compliance is mandatory.** The placement of the modifications must be maintained at all times.

This is a basic guide to accessibility to assist in identifying barriers and potential solutions to ensure access to voters with disabilities. Election officials should try to select fully accessible polling places and conduct the full Department of Justice accessibility survey. A link will be provided at the end of this section to Department of Justice's Accessibility Survey.

### **Parking and Drop-Off Areas**

- If parking is provided, at least one accessible parking spot that is nearest to the accessible entrance must be provided for every 25 regular parking spaces.
- The first accessible spot should be van accessible with an access aisle at least 8 feet wide.
- Accessible parking spots should be relatively level and not have loose gravel or dirt.
- If drop-off area is provided, it should be level and have an access aisle that is at least 5 feet deep and 20 feet long where people can access entrance (near ramp if necessary).

### **Paths of Travel**

- There must be an accessible path from parking spot to entrance and voting area.
- Path must be at least 36 inches wide and free of steps or level changes more than ½ inch.
- If accessible path crosses traffic, a marked crosswalk should be used.
- Where path crosses curb, a curb cut or temporary ramp should be used.
- Ramps can't be steep. For every 1 inch high, a ramp must be at least 12 inches long.

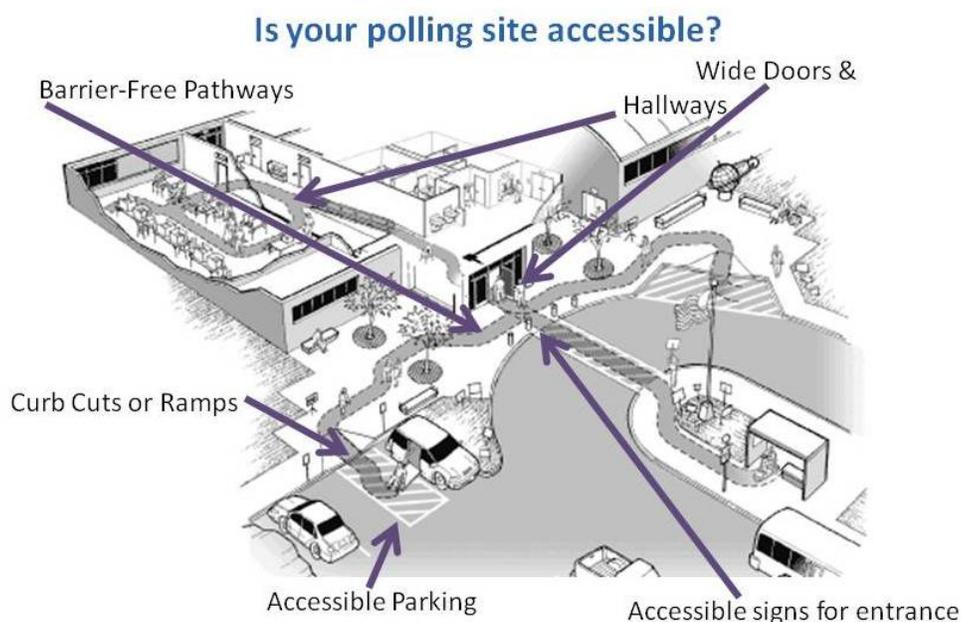


## Department of Justice Polling Place Accessibility Survey

This 39-page checklist, downloadable through the web, is a self-help survey that voting officials can use to determine whether a polling place has basic accessible features needed by most voters with disabilities.

<http://www.ada.gov/votingck.htm>

You may also contact Disability Rights Texas to conduct polling place accessibility trainings at no cost for poll workers and/or have a Disability Rights Texas HAVA staff conduct a polling place accessibility survey at no cost. You may reach Disability Rights Texas at 1-888-796-VOTE (8683) or [vote@DRTx.org](mailto:vote@DRTx.org).

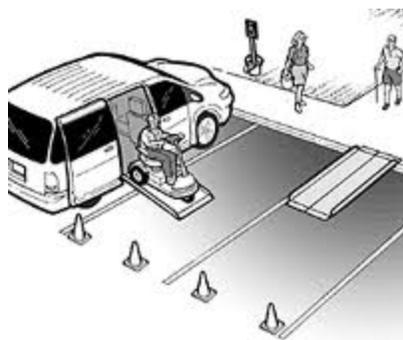


## Accessibility Accommodations and Modifications

Each precinct should be provided with a list of equipment with instructions for any modifications that are required in order to bring the polling place into compliance with the Department of Justice and the State polling place accessibility regulations.

**Cones and signs** –to create an accessible parking space.

They must be placed in the parking area closest to the accessible polling place entrance.



**Threshold ramp(s)** – to ramp a rise, bump, or gap along the path of travel from parking to the entrance.

The polling place has been surveyed and determined to need a small ramp somewhere on the path of travel from the accessible parking to the voting area in order to provide an unbroken surface for a wheelchair or scooter user to navigate. Place the threshold cover at the area needing a ramp.



**Extra arrows and signs-** to direct voters to accessible parking, pathways or entrances or to direct voters according to the need as indicated on the sign.



## Etiquette Towards Voters with Disabilities

Polling officials may need to train poll workers who feel uncertain about how to best assist people with disabilities when they vote. They might worry that they will say or do the wrong thing. However, if they simply use **courtesy** and **common sense** when interacting with people with disabilities, they can help ensure their voting experience is a positive one.

### General Guidelines

**Be respectful.** Use common sense. Voters with disabilities want to be treated the same way as everyone else. Show them the same respect you would give every other voter.

**Just ask.** Don't be afraid to offer assistance, but don't automatically give assistance unless the person has requested it or consented.

**Communicate with the person.** Some voters with disabilities may have an assistant, interpreter, or friend with them. Always look and speak directly to the voter, not to their companion.

**Respect the person's privacy.** Refrain from asking questions that would otherwise be inappropriate to ask any other voter.

**Don't feel pressured.** Don't feel as if you need to know everything and do everything perfectly. This guide was developed so you will have a reference guide on Election Day to refer to.

### People First Language

When writing and speaking about people with disabilities, it is important to put the person first. Person first language empowers, demonstrates individuality, equality, and dignity towards individuals with disability.

Listed below are some suggestions on how to relate to and communicate with and about individuals with disabilities.

<b>Affirmative Phrases</b>	<b>Negative Phrases</b>
Person with an intellectual, cognitive, or developmental disability	Retarded; mentally challenged
Person who is blind; person who is visually impaired	The blind
Person with a disability	The disabled; handicapped
Person who is Deaf or hard of hearing.	The deaf; deaf and dumb; a person who suffers from hearing loss
Person who has multiple sclerosis	Afflicted with MS
Person with cerebral palsy	CP victim
Person with epilepsy; person with seizure disorder	Epileptic
Person who uses a wheelchair	Confined or bound to a wheelchair
Person with a physical disability; physically disabled	Crippled; lame; deformed
Unable to speak; uses synthetic speech	Dumb; mute
Person with a psychiatric disability	Crazy; nuts
Person who is successful; productive	Has overcome his/her disability; is courageous; inspiration (when it applies the person has courage or displays inspiration due to their disability)



## **Assistance and Communication Guidelines Based on Disability Type**

Some tips polling officials can provide to poll workers interacting with voters with various types of disabilities includes:

### **Assisting Voters who are Deaf or Hard of Hearing**

Look directly at the individual, face the light, speak clearly in a normal tone of voice, and keep your hands away from your face. (If the voter uses an interpreter, speak directly to the voter, not the interpreter.)

Lightly tap the voter's shoulder or wave to get their attention.

Be prepared to communicate with notes if that is the voters preference.

### **Assisting Voters who are Blind or Visually Impaired**

Greet the voter, identify yourself, and offer to tell the voter how the polling place is arranged. Ask if and how you can assist.

If asked to guide, let the voter take your arm; you can walk slightly ahead.

Do not pet or talk to a guide animal.

### **Assisting Voters with Mobility Impairments**

Ask before providing assistance. The voter may choose not to receive assistance.

Never move, touch, push, or lean on a voter's walker, cane, wheelchair or other mobility device without asking first.

If possible, put yourself at the voter's eye level.

### **Assisting Voters with Speech Impairments**

Be patient. Wait for the voter to complete each sentence. Do not interrupt.

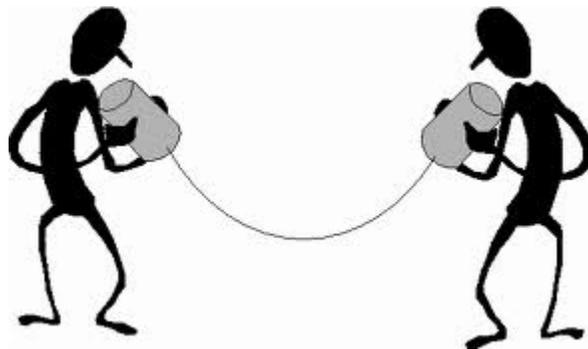
If you do not understand the voter ask them to repeat what they said, also try asking short questions that require yes or no responses. Repeat back what you think they said.

If you are still having a hard time understanding the voter, ask if writing would be an acceptable means to communicate.

### **Assisting Voters with Cognitive Disabilities**

Use words and pictures to guide voters with what you are trying to communicate, be prepared to repeat what you say and explain technical terms.

Take time to understand the voter and make sure he or she understands you.



## Assistance While Voting

Federal law gives voters with disabilities the right to decide whether to get assistance in casting a ballot and who will provide it. Ask the voter what assistance you may provide, but do not pressure the voter to accept your help.

The person providing assistance to the voter **MAY** assist with voting in the following ways:

The assistant should ask the voter what choice he or she wants to make. The assistant should never make assumptions about how a person wants to vote!

The assistant must respect the voters privacy during the voting process.

The assistant should be familiar with instructions on how to cast a ballot and be prepared to explain them to the voter and/or demonstrate the voting process.

The assistant should be prepared to read or explain all ballot choices or questions in a language the voter understands.

The assistant may mark a ballot for a voter with a disability only if the voter has directed him or her to do so.

After the ballot has been completed, the assistant should make sure that it accurately reflects the voter's choices. The assistant should offer to correct any mistakes and to check the ballot for any election contests or questions that may have been missed.

The person assisting the voter **MAY NOT**:

Make decisions for the voter.

Communicate with the voter in a way that makes the voter feel forced to make certain choices.

Pressure the voter to vote for a particular candidate or in a certain way.

Withhold information or giving false information to a voter.

Pressure the voter to cast a vote on every measure or candidate.

Reveal to others how the individual voted.

### **Alternative Voting Assistance**

**Curbside Voting.** If a person with a disability is unable to enter the polling place for whatever reason, he/she is to be assisted according to the following procedures:

When voting curbside, the law says “an election officer shall deliver a ballot to the voter at the polling place entrance or curb” and allows “regular voting procedures” to “be modified by the election officer to the extent necessary to conduct voting under this section.” Many accessible voting machines are portable and have battery packs where they can be taken to the curbside as well. Curbside voting is offered during early voting and Election Day.

**Provisional Ballot.** While a poll worker cannot question or determine a person’s competency to vote, when there are questions surrounding eligibility a poll worker can have the person cast a provisional

ballot that will be counted once election officials determine the voter to be eligible.



## Voting Device Accessibility

As a general rule, a county or a political subdivision must provide one accessible voting machine in each early voting and election day polling place. Tex. Elec. Code Ann. § 61.012(a)(1)(C). However, **for all elections in which a federal office is not on the ballot**, a county or a political subdivision located within a county with a population described below may be able to obtain an exception from the general requirement of providing one accessible voting machine in each polling place.

**NOTE:** Population is determined by the most recent (2010) Federal Census numbers.

1. Counties with a population of **less than 2,000** are exempt from the requirement of providing accessible electronic voting systems. Political subdivisions located in a county with a population of **less than 2,000** are exempt from the requirement of providing accessible electronic voting systems.

However, a voter with a disability may request a reasonable accommodation by the 21st day before election day with the early voting clerk. A reasonable accommodation may include providing an audio tape of the ballot for the voter or a template which lays over the ballot and allows a voter with visual impairment to vote independently and in privacy.

2. Counties with a population of **2,000 or more but less than 5,000** must provide at least one accessible electronic voting system on election day. Political subdivisions **located in a county** with a population of **2,000 or more but less than 5,000** must provide at least one accessible electronic voting system on election day.
  
3. Counties with a population of **5,000 or more but less than 10,000** must provide at least one accessible electronic voting system on election day and during the period for early voting by personal appearance. Political subdivisions **located in a county** with a population of **5,000 or more but less than 10,000** must provide at least one electronic voting system on election day and during the period for early voting by personal appearance. The logical location would be the main early voting clerk's office on election day and the main early voting polling place during early voting.
  
4. Counties with a population of **10,000 or more but less than 20,000** may provide fewer accessible voting stations (than one per early voting and election day polling place) if they comply with the requirements set out below. Political subdivisions **located in a county** with a population of **10,000 or more but less than 20,000** may provide fewer accessible voting stations if they comply with the following:
  - Submit an Application of Undue Burden Status to the Secretary of State showing that compliance with Section 61.012(a)(1)(C) would cause an undue burden on the political subdivision by

increasing the costs associated with the election by at least 25% as compared to the costs of the last general election held by the subdivision before January 1, 2006.

- An application must be submitted to the Secretary of States office **no later** than the 90th day before the date of the election for which the subdivision seeks relief.
- If the application is approved, the entity will provide:
  - At least one accessible electronic voting system on election day and during the period of early voting by personal appearance; and
  - If the subdivision has branch early voting locations, one mobile accessible electronic voting system to be deployed at least once to each branch early voting polling place.
- **A county or political subdivision is required to submit an Application for Undue Burden Status only if it falls under category #4.**

If your political subdivision is located in more than one county and you fall into one of the 4 categories above, you may choose to be considered located in the county that contains the greatest number of registered voters of your subdivision or for each portion of your subdivision located in a different county, to be considered as a separate subdivision.

**NOTE:** All political subdivisions desiring to reduce the number of electronic accessible voting systems must:

1. file a written **notice** with the Secretary of State's office stating which exemption they seek to utilize or submit an Application of Undue Burden Status no later than 90 days prior to election day;

2. **publish** notice in a newspaper of general circulation not later than the 15th day before the start of early voting by personal appearance of the location of each polling place that will contain the electronic voting system (if applicable); and
3. **preclear** such change with the U.S. Department of Justice.

The Secretary of State has created the Application of Undue Burden Status, a sample Notice of Exemption, and instructions for counties and other political subdivisions which can be accessed on their website or by contacting their office for a copy. Please note that if your entity falls under the applicable provisions for this reduction or will be taking advantage of the exemption (less than 2,000 in population), the deadline to submit an application (or notice of exemption or reduction) is the 90th day before Election Day. You are not required to use the form prescribed by the Secretary of State's office. For more information, please contact the Elections Division at 1-800-252-VOTE(8683).

## **Election Administrator Resources**

We want you to feel confident about ensuring access to everyone during Election Day. If you have any additional questions, please do not hesitate to contact the following individuals:

**Disability Rights Texas**  
2222 West Braker Lane  
Austin, TX 78758  
1-888-796-VOTE (8683)  
1-866-362-2851 (video phone)  
[VOTE@DRTx.org](mailto:VOTE@DRTx.org)

**Texas Secretary of State**  
Elections Division  
Secretary of State  
P.O. Box 12060  
Austin, TX 78711  
1.800.252.VOTE (8683)  
[elections@sos.state.tx.us](mailto:elections@sos.state.tx.us)

**Texas Election Code**

<http://www.statutes.legis.state.tx.us/?link=EL>

**Voting Systems**

<http://www.sos.state.tx.us/elections/laws/votingsystems.shtml>

**National Disability Rights Network**

<http://www.ndrn.org/issues/voting>

**U.S. Election Assistance Commission**

[www.eac.gov](http://www.eac.gov)

*Disability Rights Texas' goal is to make materials understandable by and useful to the general public. If you have suggestions on how this training manual can be improved, please contact Disability Rights Texas at [info@disabilityrightstx.org](mailto:info@disabilityrightstx.org). Thank you for your assistance. This handout is available in Braille and/or on audio tape upon request. Disability Rights Texas strives to update its materials on an annual basis, and this handout is based upon the law at the time it was written. The law changes frequently and is subject to various interpretations by different courts. Future changes in the law may make some information in this handout inaccurate. The handout is not intended to and does not replace an attorney's advice or assistance based on your particular situation.*

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