

Texas Poll Worker Training Guide to Working with Voters with Disabilities

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Disability *Rights*
TEXAS

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Introduction

There are many types of disabilities, including:

Blindness and visual impairment – learning disabilities – Deafness and hard of hearing – psychiatric disabilities – developmental disabilities – multiple chemical sensitivity -- diabetes – neurological and muscular disabilities – epilepsy and seizure disabilities.

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.

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

- 1) understanding the individual's right to vote,
- 2) ensuring accessibility of the polling place, and
- 3) assisting the individual in an appropriate manner.

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

Poll Worker Prior Knowledge Assessment

As a poll worker, you have probably already encountered voters with disabilities. However, you may not be entirely familiar with the voting technology, or you may not feel completely comfortable with how to best assist individuals with disabilities.

Consider the questions below and based on your prior knowledge choose what you might think to be the best answer. (Answers can be found in the back of this guide)

- 1. A voter with a developmental disability comes in to vote, accompanied by her support worker. This voter requires assistance in utilizing the voting machine to mark her ballot, and she prefers that her support workers assist her. You:**
 - a. Insist she mark her ballot alone.
 - b. Inform the voter that assistance can only be provided by election officials.
 - c. Permit the voter to choose the person that she prefers to assist her.
 - d. Allow the police officer working the polls to decide.

- 2. A voter with a visual impairment comes in to vote with his service animal and discloses to you that he is legally blind. You:**
 - a. Tell him that you are there to assist him and if he wants to bring his animal in he must provide documentation stating that it is a service animal. Otherwise the animal is not allowed in and must wait for the owner outside.
 - b. Let him bring the animal in. Tell him about the voting machine he will be using, and make him aware that there are poll workers available to assist him if he wishes. Check him in and allow him to vote.
 - c. Bring him to a side table and make him wait while you call the Elections Division for instructions what to do.
 - d. Allow the service animal in. Check the voter in and let him go vote on his own.

- 3. A voter who identifies as a little person checks in to vote and you direct her to a voting booth. She returns moments later and**

informs you that the voting booth is too high for her to reach comfortably. You:

- a. Tell her you are sorry there's nothing you can do to assist her.
- b. Direct her to the wheelchair accessible voting machine, more easily accessible to individuals under 4'10". Offer to assist her if necessary.
- c. Explain the various accessibility options and allow her to choose the one that works best.
- d. Locate a chair she can stand on to vote.

4. When you arrive at the polling location you notice that there is a clear, accessible path from the parking lot to the voting area. Later in the day you notice that chairs have been placed randomly along the path, and the entrance door is no longer propped open. You:

- a. Decide to do nothing because even if you rectify the situation now, it's bound to happen again later in the day.
- b. Assign a poll worker to ensure the door remains propped open and that an accessible route to the voting area is maintained at all times.
- c. Leave a sign on the door with your cell phone number that voters with disabilities can call if they need assistance entering or maneuvering through the building. Then help on an individual basis.
- d. Tell the police officer he or she should maintain the accessible route to the polling location.

5. Two women enter the polling location and they are communicating using American Sign Language (ASL). When they approach your desk, one woman identifies herself as a hearing individual and says that she will be interpreting for her friend who is Deaf. You:

- a. Make eye contact with the interpreter and speak directly to her, asking questions like, "What is your friend's name and address?"
- b. Thank the hearing friend for the offer, but instead begin communicating with the deaf woman by writing notes to her and waiting for her to write back.

- c. Alternate eye contact between the two women and speak slowly in an extremely loud voice, allowing the deaf woman to read your lips.
- d. Make eye contact with the Deaf woman, speak directly to her, and allow the hearing friend to interpret what you are saying, as well as the Deaf woman's response.

6. An individual with Down Syndrome enters the polling location and tells you his name and address. You check your list and he is a registered voter. You:

- a. Proceed as you would with any other registered voters and give him a ballot.
- b. Give him a provisional ballot because you are not sure if he is legally competent to vote.
- c. Allow him to vote directing him to the accessible voting machine because of its accessibility features.
- d. Call over another poll worker and ask what you should do.

7. A voter with a speech impairment comes in without anyone to assist her. When you ask for her name and address, you can't really understand what she says. You:

- a. Turn the address book so it faces her and ask politely to look herself up.
- b. Do your best to guess what she's saying and look for the name and address that sounds closest to what she said. You don't want to embarrass her by asking her to repeat herself.
- c. Tell her she will have to come back with an assistant to help her to vote – it is taking too long to communicate with her and there is a line of people waiting.
- d. Give her a pen and some paper and ask her to write down her name and address.

8. A male wheelchair user comes in alone to vote. How do you help?

- a. Tell him he needs to use the accessible voting machine, then wheel him over to the device and stand next to him while he votes to ensure he does everything right.
- b. Check him in like any other voter and let him know that assistance is available if he needs it.

- c. Let him come to the front of the line, cutting other voters, and do not let anyone else check in until the man has finished voting.
 - d. Don't do anything differently. Voters with disabilities know about accessibility options.
- 9. An elderly voter with a hearing impairment and limited vision comes in to vote. You politely tell him that there is an accessible voting machine available if he would like to use it. He responds angrily, that he is not stupid and does not need your help. You:**
- a. Ask the police officer to remove the voter. You were only trying to help and don't deserve to be yelled at.
 - b. Apologize for offending him and explain you simply wanted to let him know about the machine in case it might be of interest to him.
 - c. Ask another poll worker to monitor him while he votes to make sure he can see everything on the ballot.
 - d. Apologize. Since he has trouble hearing you don't ask for his name and address at the check in table—you simply chauffeur him to a polling machine to smooth things over. The most important thing is not to anger him any further.
- 10. A voter with some sort of cognitive disability comes in and asks for help voting. She doesn't seem to be very familiar with the voting process, nor does she seem to be informed about the candidates. Which of the following would be an appropriate way to assist her?**
- a. Go through the ballot with her step-by-step, giving her some background on each of the candidates and make sure she chooses someone in each contest.
 - b. Tell her how you voted and explain why she might vote the same way.
 - c. Apologize in a polite tone, but tell her she can't vote unless she brings along someone to assist her. Make note in the clerk's book about the incident.
 - d. Offer to help her with the procedural/technical aspect of voting, but tell her the decision about whom/what to vote for is up to her.

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.
- Is not in jail for a crime. Is not on probation or parole. Is someone who has received a pardon for their crime.
- 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 vote if they have a guardian, unless a court determines they cannot.
- to be treated in the same way as all other voters. If the voter is properly registered, **it is not up to the poll worker to question or challenge the voter's registration qualification or competence to vote.**

Accessibility

Polling place accessibility compliance is mandatory. The placement of the modifications must not be altered without the authorization of the Elections Division.

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 8ft 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 ft deep and 20 ft 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.

Preventing Obstructions for Voters Who are Blind or Have Low Vision

- People who are blind can easily run into objects that hang from above (like tree limbs), are open beneath (like staircases), or protrude from the side (like trophy cases).

Entrance to Polling Place and Voting Area

- Doorways must be at least 32 inches wide.
- Threshold must not be more than ¾ inches high at door and must be beveled on each side.
- No heavy doors.
- No slick, round door handles.

Voting Area

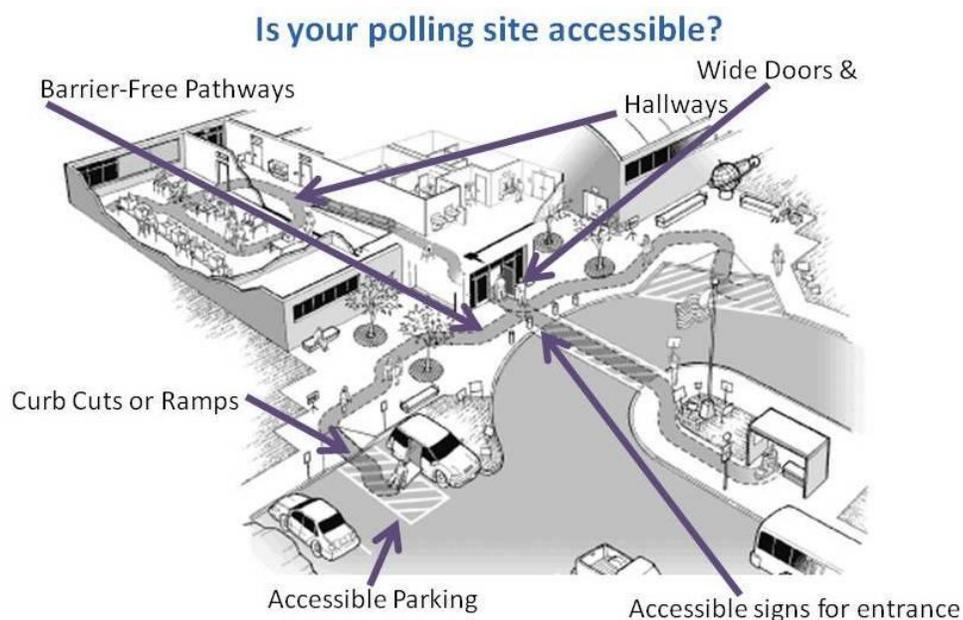
- An accessible voting machine on wheelchair accessible booth should be located along an accessible path in a location that ensures privacy.

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.



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.

If 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 and Providing Assistance to Voters with Disabilities

Poll workers may 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 you simply use **courtesy** and **common sense** when interacting with people with disabilities, you 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.

Affirmative Phrases	Negative Phrases
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

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.

Appendix

Training Hands-On Activities for Poll Workers

- Set up one or more inaccessible poll site scenarios (e.g., not enough accessible parking spaces, gravel entrances, objects in the hallways, a heavy door, no signs for accessible entrance, etc.) have your poll workers identify the inaccessible features. Ask how they would address them, and confirm whether or not they are correct.
- Role play. Have poll workers break up into pairs. One will be the “voter,” one will be the Poll worker.” Instruct the “voter” to assume a disability by putting on blindfold, wearing earplugs, or using a wheelchair. Have the “poll worker” guide the “voter” through voting on the accessible voting machine. Afterward, discuss the experience. Review the manual for assisting voters with different disabilities.
- Create two sets of flashcards: one with the needs a voter may have, the other with an accommodation your county offers. Have poll workers match the accommodation to the voter’s needs (example: NEED: communication barrier, ACCOMMODATION: pen & paper, communication board, Interpreter, etc.)

Poll Worker Prior Knowledge Assessment Answer Guide

Below please find the answers to the Knowledge Assessment.

1. The answer is “c.” HAVA states the poll worker should allow people who request and/or require assistance to choose the person that they prefer to assist them as long as it is not their employer or union.
2. The correct answer is “b.” The law states that seeing eye and service animals are allowed into any public facility where the public is generally allowed. Additionally, this voter should be treated as any other voter with a disability.
3. Your response should have been “b.” She should be allowed to vote utilizing a wheelchair accessible booth which is lower in height and can better accommodate her. In addition, she should be given the same courtesies as any other voter with a disability in terms of offering assistance.
4. The answer should be “b.” Paths of travel should remain clear of all objects. If the door of the polling place is too heavy or does not have the proper hardware for someone with limited grip to open the door, an alternative would be to prop the door open. Therefore, it would be a good measure to have a poll worker monitor and maintain access for individuals around the polling place.

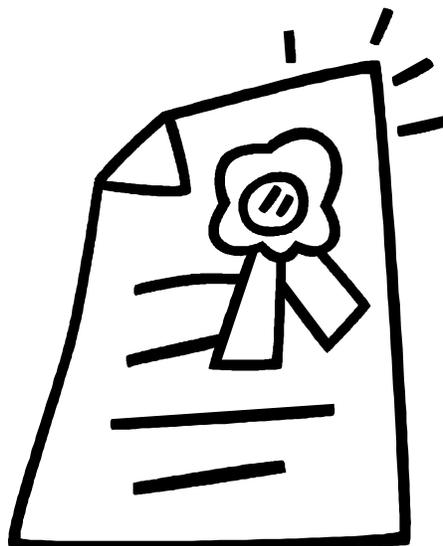
5. The correct answer is “d.” It is proper etiquette when interacting with an individual who utilizes an interpreter to speak to the individual directly, making eye contact, allowing the interpreter to interpret what you are saying. Then wait for the interpreter to interpret the individuals’ response.

6. The correct answer is “a.” A poll worker is not qualified to determine a person’s competency to vote particularly, if you have found them listed in the registered voters list. In the even you are unable to locate the person among the registered voters list you should provide a provisional ballot to them until a determination can be made.

7. The answer is “d.” If you are unable to communicate with the voter ask her if she would be comfortable writing her name and address and give her a pen and paper. Otherwise, never feel bad for having to ask the person to repeat themselves. Repeat back what you think she might have said and utilize short yes or no questions if possible.

8. The correct answer should have been “b.” The appropriate thing to do would be to check the individual in like every other voter and let him know assistance is available if he needs it. It is not appropriate to touch or push a person’s mobility device (i.e., wheelchair, walker, crutches) without asking.

9. Your answer should have been “b.” If you are aware an individual may have a disability it is always wise to offer the accessible machine and inform them of the features that may be of benefit. If necessary, demonstrate how to use the accessible features.
10. The correct answer is “d.” Anyone providing assistance to a voter with a disability can give instructions on how to operate the voting machine, read the ballot to an individual, or assist in casting a ballot but the poll worker cannot tell the voter information about the candidate or tell the voter who to vote for.



Poll Worker 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:

Disability Rights Texas
2222 West Braker Lane
Austin, TX 78758
1-888-796-VOTE (8683)
1-866-362-2851 (video phone)
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

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

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. 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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