



# **Voters with disabilities: Election Worker Training**

Molly Broadway

# About Disability Rights Texas

- Part of the national Protection and Advocacy (P&A) System
- Established in 1977 through federal law
- Nonprofit legal firm
- Protect and advocate for the rights of Texans with disabilities ensuring their equal participation in society
- Serve Texans of all ages with a wide variety of disabilities

# Services Offered

- Provide direct legal assistance to people with disabilities whose rights are threatened or violated
- Protect rights of individuals and groups of people with disabilities through courts and justice system
- Inform policy makers about how issues impact people with disabilities
- Educate people with disabilities and family members about their rights
- Make referrals to programs and services

# Areas of Focus

- Alternatives to Guardianship
- Community Integration
- Disaster Preparedness and Recovery
- Early Childhood Intervention
- Education (K-12, college)
- Employment
- Healthcare
- Housing
- Institutional Rights and Civil Liberties
- Transportation
- Voting

# Why is this important?

- Texas has an estimated 2 million voters with disabilities
- 2020 Presidential Election: 59.4% Texas voters had a disability
- Voters with disabilities have rights!!
  - Treated in a non-discriminatory way
  - Receive reasonable accommodations
  - Cast a private and independent ballot

# Goals for today

- Go out into the voting world and:
- Ensure that each voter, regardless of support need, who chooses to exercise their right to vote has a positive voting experience, and to prepare you with information, skills, and guidance to:
  - Respond appropriately
  - Respond respectfully
  - Know the voter's rights to accessibility and accommodation



# **6 Basic Guidelines**

Creating a culture of dignity and respect

# 1- Use “People First” Language

- Refer to the person first and disability second.
- Avoid improper or outdated terms.
  - Not sure what is outdated? Ask
  - He/She has a disability-instead of-he/she is disabled
- Persons with disabilities might use other language to describe themselves.
  - It is their choice to use whatever language they want/prefer.
  - You should continue to use People First language



# Language & Invisible disability

- Most people just want to be called by their first name.
- Ask the person how they prefer to address their ability/identity.
- JUST ASK!!!
- Invisible Disabilities
  - Not immediately apparent.
  - Intellectual disability
  - Developmental disability

# 2- Speak Directly to Voter

- **Address and speak directly to the voter with the disability.**
  - If the voter brings a companion or interpreter, avoid looking at the companion or interpreter and saying, “tell him” or “tell her.” Speak to the voter.
  - If necessary, position yourself on the same eye level as the voter.
- **Greet everyone with a smile.**
  - Say hello and goodbye to the person with a disability to make it clear when the interaction has started and is over.
- **Accommodate the voter.**
  - For instance, some voters might prefer to communicate by writing instead of speaking, or some will need to sit down. (More on this topic later.)

# 3- Treat others as you wish to be treated

- Treat every voter with the same **dignity and respect** you would want, expect, and deserve.
- **Show** the qualities and values that exemplify **professionalism**.



# 4-Treat extension devices as an extension of the voter

- **Always ask first** for permission to provide assistance.
  - Even if you mean well, it might be perceived as a violation of the person's personal space or as being disrespectful.
- **Never touch, lean on, or attempt to take control** over any aids or devices.
- **Types of assistive devices:** wheelchairs, scooters, crutches, walkers, canes, eye wear, hearing aids, prosthetic devices, orthotic devices, alphabet board or computer to communicate, etc.

# 5- Politely ignore service animals

- A service animal should never be distracted. Refrain from petting, touching or even talking to the animal. A service animal:
  - IS NOT a pet.
  - IS NOT required to wear an identification badge, harness, sign or symbol.
  - IS on duty.
  - IS trained to assist a person with disability.
  - IS an extension of his/her owner.
  - IS sometimes used for a disability or difficulty that is not apparent.
- **Allow the voter to proceed with the animal**, provided the animal is under control and not a threat to anyone.
- **Handle any situation professionally and politely.**

# 6-Provide assistance without judgement.

- **A voter with a disability may not always want or need help.**
- **Not all disabilities are readily apparent.**
  - A voter may not want – and is not required – to disclose his or her disability.
- **If a voter indicates or asks for help, the voter is entitled to it.**
  - Do not judge the abilities of a voter or ask the voter why he or she needs assistance.
  - Do not ask questions about the existence, nature, or extent of someone's disability.
- **Once a voter requests help, provide assistance without judgement.**

# Remember

- Fact: A person with a disability is the best judge of his or her own capabilities.
- Situation: It can be awkward, disrespectful, and even dangerous to try to help someone who does not want or need help.
- Solution: **Make your assistance available to everyone**
- Example: “Thank you for coming out to vote today. If you need help with anything, just ask.”

# **Preparing the Polling Place**

Accommodating voters with disabilities



# Post signs

## Language should:

## Signs should be:

- Simple and clear
- Visible and legible
- In and around the polling place



- Easy to understand
- Direct voters to proper locations
- Instruct voters what to do
- Identify an accessible path of travel to the polling place and within the polling room

# Clear Path

- **Remove barriers, objects, furniture or other obstacles** that could prevent easy access or make it difficult for a voter with disability to move safely about.
- **Put yourself in the voter's place** - Ask yourself if a voter with visual impairment or limited mobility would have difficulty going through, up or down a pathway, step, ramp, threshold, or curb – or in or out of the polling place or room.
- **Keep cords, cables, wires, and other tripping hazards** out of the way.

# Check for adequate clearance

- Make sure that voters using a mobility device can approach the sign-in table and fit their device under the lip of the table.
- Voting booths used by voters with disabilities must also provide accessible clearance



# Set-up and be familiar with accessible voting equipment

- An accessible voting system allows a voter with disabilities to vote privately and independently.
- All voters with disabilities have the option to use accessible voting equipment.
- Ensure accessible voting equipment is set up and operational before polls open.
- Be familiar with how accessible equipment works.

# Have accessible supplies available

- **Accessible equipment and supplies:**
  - Ensures you will be able to provide prompt assistance
  - Reduces confusion and disruption to voting process
  - Maintains flow of voters
- **Ensure that accessible requisite forms and documents are in place.**
- **Be prepared with miscellaneous materials.**
  - Extra chairs – to accommodate a voter with limited mobility
  - Paper and pen – to accommodate a voter with speech difficulties

# Remember: Hidden disabilities

- It can be challenging to know whether a voter has a disability and when he or she needs or wants help.
- **Situations**
  - Some voters have developmental or cognitive disabilities or difficulties.
  - Some voters have service-connected disabilities or difficulties including post traumatic stress disorder for which they have a service animal to alert or comfort them in public.
  - Some voters have a heart condition or vertigo that affects balance or ability to stand.
- **Best Practices**
  - **Ask every voter** how/if you can assist and be willing to do what is reasonably possible to help.
  - Treat everyone equally and provide the best possible service to all voters.

# **Right To Access**

Accommodating voters with disabilities

# Right to accessibility

- Title II of the Americans with Disabilities Act (ADA)
- A means of approach or admission. It is the opposite of segregation.
- What about churches?
- Ensures we all have equal opportunity (and availability) to exercise daily living activities and civil rights.



# **Voter Rights and Accommodations**

## **VOTERS WITH DISABILITIES HAVE THE RIGHT TO CAST A PRIVATE AND INDEPENDENT BALLOT**

- RIGHT TO A PHYSICALLY ACCESSIBLE POLLING SITE
- THE RIGHT TO USE DRE (ACCESSIBLE VOTING MACHINE)
- RIGHT TO ASSISTANCE
- RIGHT TO REASONABLE ACCOMMODATION OR MODIFICATION
- CURBSIDE VOTING

# Right to Assistance (1)

- Providing support to a voter can including:

- Reading the ballot to the voter
- Directing the voter to read the ballot
- Marking the voter's ballot
- Directing the voter to mark the ballot
- Asking questions or cueing
- Other support requested

- Unlawful assistance includes:

- Providing assistance to a voter that is not eligible for assistance
- Preparing the ballot in a way other than the way the voter directs or without direction from the voter

# Right to Assistance (2)

- A voter who cannot cast a ballot independently because of a disability is entitled to receive assistance from the person of their choice or an election worker.
- If the voter does not have someone they trust to assist them, two election workers can assist.
- Person of choice cannot be voter's employer or agent of voter's labor union.
- Assistant must take oath.

# Types of Assistance

- Interpreter
- Accessibility Tools of DRE Machine.
  - Audio portion of ballot. Allows ballot to be read to voter via headphones.
  - Increase font size on screen; adjustable on-screen high contrast and zoom function.
  - Audio-tactile keypad with Braille legends; two-position rocker switch
  - Sip-and-puff device
  - Portable-election workers can take the machine to curbside voters.
- Spot in line
  - Can also employ Voting Order Priority (Sec. 63.0013, Texas Election Code)

# In-person voting laws

- IN-PERSON VOTING

- Persons who assist voters with an in-person ballot must provide their relationship to the voter, address, and mark that they did not receive compensation.
- Persons who assist a voter (for language or disability) must sign the new oath.

- CURBSIDE VOTING

- A person who transports seven people, at the same time, who are not related, must complete and sign a form that asks for the driver's name and address and whether the person is providing assistance properly and without compensation.

- POLL WATCHERS

- Watchers MAY observe assistance given to voters by election officials and inspect the ballot before it is deposited in the ballot box to determine if it was prepared in accordance with the voter's wishes.
- A watcher MAY NOT be present at the voting station when a voter is preparing the voter's ballot or is being assisted by a person of the voter's choice, including by a person also serving as an interpreter at the voting station.

# 2023 New Voting Laws

- **Voting Order Priority:**

(New) Election officers must allow voters with disabilities to the front of the line if they request to do so. Notice of this new rule must be posted at the entrance to a polling place.

(Old) When receiving a request to move to the front of the line, election officers has the option to allow the move or not. Notice had to be posted at one or more locations at the polling site.

*TEC Section 63.0015, SB 477*

# 2023 New Voting Laws

- **Curbside Parking Spaces:**

(New) One non-accessible parking space must be reserved for curbside parking. This parking space must indicate that the space is for curbside voting. The sign must also state in large print a phone number for the voter to call to alert poll workers of voter's presence.

(Old) Designated curbside voting spaces were not required.

*TEC Section 64.009, SB 477*

# Personal Assistance

- (Previously) only allowed to help in the following ways:
  - Reading the ballot, directing the voter to read the ballot, marking the ballot, or directing the voter to mark the ballot all to the preferences of the voter.
  - Not allowed to cue voter via word, sign or gesture how the voter should/wants to vote.
- **(Current)** Texas cannot enforce laws that limit voting assistance and from requiring individuals assisting voters to sign an oath stating they confined their assistance to reading the ballot to the voter, directing the voter to read the ballot, marking the voter's ballot, or directing the voter to mark the ballot.

[Texas Voter Assistance Law](#)



# Reasonable Accommodation Request

- Sec. 1.022. REASONABLE ACCOMMODATION OR MODIFICATION.

A provision of this code may not be interpreted to prohibit or limit the right of a qualified individual with a disability from requesting a reasonable accommodation or modification to any election standard, practice, or procedure mandated by law or rule that the individual is entitled to request under federal or state law.

# Things To Remember

- Focus on reasonable, doable solutions delivered in a responsive, courteous manner.
- Rely on the voter as the “expert.” If an issue you are unfamiliar with arises, ask them what you can do to best assist them.
- Make every effort to ensure your voting area is set up in an accessible manner, remains free of barriers during voting hours, and that DRE’s are turned on during voting hours.
- It is not up to you to determine a persons registration qualifications or competence to vote.
- Make every effort to not embarrass a voter with a disability.
- Be okay with asking questions. Remember the Golden Rule!!
- You cannot question one’s disability status.



# Questions??

**Molly Broadway**

[mbroadway@drtx.org](mailto:mbroadway@drtx.org)

**DRTx Voter Rights Hotline**

1-888-796-VOTE (8683)

[VOTE@DRTx.org](mailto:VOTE@DRTx.org)

[www.disabilityrightstx.org](http://www.disabilityrightstx.org)

