

Barriers to Voting for Disabled Americans

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ABSTRACT

Disabled Americans face many barriers when it comes to voting, which is reflected in their lower voter turnout. This article examines past barriers along with the changes in accessibility that occurred due to the coronavirus (COVID-19) pandemic. Physical barriers include inaccessibility at polling locations, such as a lack of ramps and audio-equipped voting machines. A lack of privacy for disabled voters also dissuades them from voting. Disabled people have also been psychologically discouraged from voting by both consistent inaccessibility and the lack of government attention to this inaccessibility. Further, disabled people who are considered high-risk for COVID-19 were less likely to vote in person due to concerns about contracting the virus. However, the widespread availability of mail-in ballots increased disabled voter turnout as compared to previous years. This did not close the turnout gap between disabled and abled voters, but did shrink it. In order to address the barriers faced by disabled people when it comes to voting, the existing literature recommends an expansion of mail in voting, increased accessibility at polling locations, and updated federal guidelines on accessibility.

Introduction

One of the most overlooked groups in discussions about voter turnout is disabled people, according to Rabia Belt of Stanford Law Review (2016), who explains that expanding accessible voting for the disabled population will strengthen the entire American electoral system. Dr. Lisa Schur and Dr. Douglas Kruse (2021) of Rutgers University concluded that disabled people are less likely to vote than abled people with otherwise similar demographic characteristics and that, based on Census data, 1.95 million disabled people encountered voting difficulties in the 2020 election. This constitutes 11% of all disabled voters, which is double the rate of abled voters who experienced difficulties. Clearly, inaccessible voting is a pressing issue that threatens the true representative ability of American democracy.

Although laws such as the Americans with Disabilities Act of 1990 (ADA) and the Help America Vote Act of 2002 (HAVA) have been enacted federally, Elizabeth Pendo of the American Bar Association (ABA, 2020) finds that these laws are not sufficiently enforced to reduce barriers to voting for disabled people and may be outdated. Voting accessibility is especially relevant due to the voting changes that resulted from COVID-19. Beyond the pandemic, both physical and psychological barriers to voting have been present for disabled people for many years.

It should be noted that, in this article, identity-first language (e.g. “Disabled people”) is used over person-first language (e.g. “people with disabilities”) because many disabled people find identity-first language unifying and more descriptive of their lived experiences than person-first language, according to Rose Elysium of Medium.

Physical Barriers to Voting

Many barriers at polling locations have been consistently present, although more have arisen due to COVID-

19. According to Pendo (2020), visually impaired voters face difficulties voting where voting is paper based and where poll workers do not know how to adjust voting machines to play audio or print larger ballots. Additionally, according to Pendo (2020), people with cognitive disabilities can be turned away from voting based on laws that make false assumptions about their capabilities. Long lines also contribute to inaccessibility because many disabled people cannot stand for extended periods of time, according to Sabrina Epstein, who was quoted in Boston University Radio (2020) and is affiliated with the Johns Hopkins Disability Health Research Center.

Long lines are not the only physical barrier. After surveying 178 polling locations, The US Government Accountability Office (GAO, 2017) found that 60% had at least one possible accessibility barrier such as too-steep ramps that would make navigating polling locations overly difficult for wheelchair users. These physical barriers disproportionately reduce the turnout of disabled voters, as confirmed by Pendo (2020) and Schur and Kruse (2021).

Before getting to the ballot, many disabled people face issues with registering to vote, according to Johnson and Powell (2020), professors of political science at Kennesaw University and Mount San Antonio College, respectively. They found that since voter registration is not automatic in America, and registering is often disproportionately difficult for disabled people, disabled people are under-represented in elections. The Motor Voter Act in 1994, which aims to make registration easier by allowing most voters to register at their local Department of Motor Vehicles (DMV), does not benefit many disabled people. People with physical impairments preventing driving have no reason to go to the DMV to get a driver's license, according to Belt (2016), so voter registration is not as easy for disabled people as it is for others.

It is also important to note the effect of the coronavirus pandemic on the turnout of disabled voters in the 2020 election. The Center for American Progress (CAP, 2021) stated that because of COVID, "Registering or voting in person was especially hazardous for disabled people," especially those with preexisting or chronic health conditions. This is yet another barrier decreasing voter turnout of disabled people. Further, according to Holly Stiles, an attorney with Disability Rights North Carolina quoted by Boston University Radio (2020), blind people faced difficulties voting in person in 2020 because "it's difficult to stay socially distant from what you can't see."

Government's Role in Accessibility

Clearly, the inaccessibility of polling locations is a significant reason why disabled people have difficulty voting. To gain a deeper understanding of why polling locations continue to be inaccessible, it is important to examine the situation from the perspective of policymakers and local governments. CAP (2021) states, "Disabled voters' unique and varying needs are frequently overlooked by policymakers, and election accessibility is sometimes dismissed as a logistical and fiscal impossibility." Evidently, increasing voting accessibility for disabled people is not seen as a priority due to concerns about the implementation of solutions. Belt (2016) confirms that election law scholars frequently ignore the problems faced by disabled voters. Belt furthers that voting accessibility requirements are often not enforced by local governments due to vagueness and a lack of specific federal standards.

Psychological Barriers to Voting

The logistical difficulties of voting at inaccessible locations are not the only aspects of inaccessibility that decrease turnout. Schur and Kruse (2021) found that inaccessible voting also discourages voter turnout by sending the psychological message to disabled people that their voices are not valued. Michelle Bishop, manager of voter access and engagement at the National Disability Rights Network, was quoted in The Atlantic

(2021) as saying that the message that disabled people are overlooked and unimportant comes across through voting legislation and inaccessible voting systems. Further, according to Belt (2016), previous negative experiences at polling locations dissuade disabled people from voting again.

Additionally, many disabled people require the assistance of another person to vote when polling stations are inaccessible. For example, a blind person might need someone else to fill out a paper ballot for them. According to Elizabeth Weintraub of the Association of University Centers on Disabilities as quoted by Boston University Radio (2020), this may discourage disabled people from voting the way they want to or at all. This inability to cast a private, independent vote is defined by the HAVA (2002) as inaccessibility, and discourages disabled people from voting at all because they may feel their vote will not be their own.

Solutions and Limitations

Expanding mail-in voting is one way to increase voter turnout of disabled people, according to Schur and Kruse (2021). Their study found that half of the improvement in disabled voter turnout during the 2020 election was because of the shift to increased vote by mail during the pandemic. The other half was from increased accessibility of polling locations. Schur and Kruse note, however, that voting by mail is a limited solution because 22% of visually impaired voters reported difficulty with mail-in ballots in 2020. Holly Stiles suggests in Boston University Radio (2020) that this could be overcome using an online voting option for visually impaired voters as used in North Carolina in 2020. However, this solution is also imperfect because some blind voters cannot afford a computer.

Belt (2016) proposes regulations on the state level to increase accessibility, citing California's physical accessibility requirements as a model. Belt also recommends the expansion of curbside and absentee voting. The US GAO (2017) recommends that, since voting has evolved since federal laws such as the ADA (1990) and the HAVA (2002) were enacted, the Department of Justice should examine current accessibility guidance and make changes as necessary. Pendo (2020) furthers that poll workers should be educated on legal accessibility guidelines. New laws should implement automatic voter registration, according to Johnson and Powell (2020), because of existing administrative barriers to voting for disabled people.

Conclusion

The voter turnout of disabled people is disproportionately low because they face many obstacles when it comes to voting, including physical accessibility barriers and psychological deterrents. Additionally, governing bodies and policymakers often overlook disabled people and see the cost of increasing accessibility as too high. Solutions include implementing or updating accessibility guidelines, educating poll workers, and expanding mail-in voting. The limitation of mail-in voting for visually impaired voters can be partially overcome by expanding online voting.

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