ARTICLE

Contemporary Voting Rights Controversies Through the Lens of Disability

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Abstract. People with disabilities are the ticking time bomb of the electorate. An estimated thirty to thirty-five percent of all voters in the next twenty-five years will need some form of accommodation. Despite the significant and growing population of voters with disabilities, they do not vote in proportion to their numbers. We can consider voters with disabilities as “the canaries in the coal mine,” the people who are an advance warning of the structural difficulties in voting not just for themselves, but also for the system as a whole. Solving problems in voting for people with disabilities will strengthen the entire system and will help improve the voting process for everyone, especially people from disempowered communities. Furthermore, although election law scholars have largely ignored the unique voting problems confronting voters with disabilities, virtually every major voting controversy in contemporary American electoral politics directly implicates issues of disability.

This Article examines the state of disability access to voting in the lead-up to the 2016 election, revealing an electoral problem that has been lurking in the background for far too long. Current debates about access to voting and voter restrictions often ignore the current legal landscape’s disparate effect on those with disabilities. The insights in this Article offer another angle of intervention toward ameliorating the problems in the voting process for disempowered individuals. This call for reform is timely in light of the upcoming presidential election. We tend to think of problems of voting and disability, if we think of them at all, as classic issues of physical access. But in fact, the contemporary problems with respect to voting that preoccupy election lawyers are also heavily implicated by disability and, moreover, are central to the inquiry. This Article reveals those hidden disability implications of our contemporary election law problems.

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Introduction

People with disabilities are the ticking time bomb of the electorate. A group comprising fifty-six million people and counting, it includes people with various types of impairments, from wheelchair users to elderly people with dementia to blind people. An estimated thirty to thirty-five percent of all voters in the next twenty-five years will need some form of accommodation. Every person is vulnerable to falling into this category, and nearly one in five of us will before we die.

Despite the significant and growing population of voters with disabilities, they do not vote in proportion to their numbers; surveys indicate that potential voters with disabilities are up to twenty-one percentage points less likely to vote than potential voters without disabilities. We are missing about three million voters with disabilities because of this participation gap.

We can consider voters with disabilities as the metaphorical "canaries in the coal mine," the people who are an advance warning of the structural difficulties in voting not just for themselves, but also for the system as a whole. Solving problems in voting for people with disabilities will strengthen the entire system and will help improve the voting process for everyone, especially people from disempowered communities. Furthermore, although election law scholars have largely ignored the unique voting problems confronting voters with disabilities, virtually every major voting controversy in contemporary American electoral politics directly implicates issues of disability.

This Article examines the state of disability access to voting in the lead-up to the 2016 election, revealing an electoral problem that has been lurking in

the background for far too long. Current debates about access to voting and voter restrictions often ignore the current legal landscape's disparate effect on those with disabilities. The insights in this Article offer another angle of intervention toward ameliorating the problems in the voting process for disempowered individuals. This call for reform is timely in light of the upcoming presidential election. We tend to think of problems of voting and disability, if we think of them at all, as classic issues of physical access. But in fact, the contemporary problems with respect to voting that preoccupy election lawyers are also heavily implicated by disability and, moreover, are central to the inquiry. This Article reveals those hidden disability implications of our contemporary election law problems.

The Article proceeds in Part I by identifying the large number of potential voters with disabilities. Part II identifies the classic barriers to voting that people with disabilities face and the typical statutory remedies that offer potential solutions. Part III then moves outward to address the contemporary pressing problems of election law and highlights the disability implications of these dilemmas. Finally, Part IV uses a unique dataset of state-by-state data about voting and disability to sift through state data on electoral reform to offer potential remedies.

I. Who Are Voters with Disabilities?

Between one out of seven and one out of five voting-age people has a disability. This proportion is steadily increasing as the population ages. The elderly population is expected to increase to seventy million by 2030. People over the age of eighty are projected to be the fastest-growing segment of the population. Most of the elderly population will live with some form of disability, and the number of elderly with disabilities is expected to increase significantly in the next five years.

7. See SCHUR, supra note 4, at 1 (documenting that surveys have found a participation gap since 1992); see also Daniel P. Tokaji, Responding to Shelby County: A Grand Election Bargain, 8 HARV. L. & POL’Y REV. 71, 107 (2014).

8. Schur et al., supra note 5, at 60 & n.1. This statistic follows the Rehabilitation Act and Americans with Disabilities Act definition of disability as "a physical or mental impairment that substantially limits one or more [of an individual's] major life activities[,] . . . a record of such an impairment[,] or . . . [an individual] being regarded as having such an impairment." 29 U.S.C. § 705(9) (2014); 42 U.S.C. § 12102(1) (2014). This yields a count of thirty-five million people. According to the 2000 census, about fifty million Americans have a disability. See Profile of Selected Social Characteristics 2000, U.S. CENSUS BUREAU, http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=DEC_00_SF3_DP2&prodType=table (last visited June 6, 2016). The census pools together data on different disability categories, such as hearing difficulties, in order to compile that number. Disability, U.S. CENSUS BUREAU, https://www.census.gov/people/disability/methodology/acs.html (last updated June 9, 2014).

U.S. population. By 2060, nearly one-third of eligible voters will be elderly. By 2050, over forty percent of the elderly will be nonwhite, up from twenty percent in 2010. Thirty-six percent of the elderly population has a disability.

Statistics are one way of looking at an affected populace. But we can think more holistically, through the approach of disability studies. Rather than focus on individual impairments, disability studies concentrates on the social conditions that give rise to the difficulties that people with impairments have to surmount. A person who uses a wheelchair, for instance, has a very different life in a world that addresses her needs with curb cuts and elevators than one that does not. So the impediments that structure our electoral landscape importantly shape the constituency of the disability community and the barriers that they face as political citizens.

Furthermore, another aspect of a holistic approach is to think more broadly about impairment than the legal definition of disability and investigate how lower-level physical impairments affect the experiences of voters and perhaps trigger barriers in the voting process. For example, in addition to those elderly people with a disability that fall under formal statutory definitions, other elderly people may have physical impairments such as mobility issues that make it hard for them to travel or walk unaided. Thus, they may not be able to vote if they have to wait in a long line. Over one million potential voters have a hand or arm impairment that may make it difficult to manipulate a paper or electronic ballot without an accommodation. Over ten million potential voters have a visual impairment that would make it difficult to read small print on a ballot. These potential voters may not be captured by the statutory definitions of disability, yet they have disability problems nonetheless. Thus, the statistic of fifty-six million people with disabilities is just the tip of the iceberg and captures only the people with the most severe impairments. When we look at the voting process, though, people with lower-level impairments may also have

11. Id.
12. Id. at 234-35.
13. Id. at 248.
difficulties. We can use a disability approach to think about those voters as well.

When we look at the statistics, we see that people with disabilities tend to be among the most disempowered of Americans: they are more likely to be black or brown, elderly, female, unemployed, and poor. People with disabilities are a vulnerable component of a number of cross-cutting identity groups that we care about because they are disempowered communities: the elderly, the poor, people of color, women, and veterans. Thus, they have a host of challenges. When we look at those other communities, in order to help everyone within them, it is imperative to also address disability.

II. Typical Disability Problems and Solutions

Data from the Government Accountability Office (GAO) and other sources indicate a wide participation gap between voters with and without disabilities that is slowly decreasing over time but stubbornly remains at present. It is not a surprise, therefore, that more people with disabilities than without think that the United States has a serious problem with voting procedure.17

Electoral problems are compounded by the fact that election practice is extremely localized. In one federal election there may be over 10,000 election jurisdictions,18 1.4 million poll workers, and over 700,000 voting machines.19 A voter cannot anticipate that the problems she will face at one polling place will be the same as at another. The anticipation of issues, based on prior experience, can create a "chilling effect" for potential voters who may not want to face an inaccessible polling place or hostile poll workers again.20 Thus, previous problems may create future low participation even if these problems are solved, therefore making it all the more crucial to address barriers as quickly as possible.

20. See United Spinal Ass’n v. Bd. of Elections, 882 F. Supp. 2d 615, 618 (S.D.N.Y. 2012) (quoting a former Voting Rights Coordinator of the Center for Independence of the Disabled, New York as stating that "[t]hese barriers not only impede access in the moment someone is voting, but also cast a chill on people with disabilities’ willingness to participate in future elections and confront the same kind of discriminatory and humiliating treatment").
A. Voting Barriers

Voters with disabilities have and do face numerous potential barriers to their political participation. These include problems with access to the voting location itself, difficulties with voting technology, and hostile or ignorant electoral officials. Impediments vary with the type of physical impairment. A person using a wheelchair, for example, may not be able to access a polling place because of an absence of curb cuts. A person who is blind, on the other hand, cannot use a printed ballot without an alternative.

1. Transportation

Transportation is a significant problem for many people with disabilities. Thirty percent of people with disabilities are unable to drive and for that group, their turnout is fifteen to twenty percent lower than average. People with disabilities are more likely to live alone, which makes it harder to find another person for a ride. Also, potential voters with disabilities are disproportionately rural, which can mean a long distance between home and the polling place.

2. Polling place impediments

In 2000, the GAO surveyed 496 polling places in 100 counties in 33 states. No polling places had voting technology for blind voters. Forty-one percent of voters with disabilities voted, as compared to fifty-one percent of all potential voters. Eighty-four percent of polling places had at least one

21. Voters with mental disabilities face a much more fundamental problem, in that in the majority of states they face possible disenfranchisement based on their mental status. Because this is a very different—and quite significant—problem, it will not be addressed in this Article, except to flag its importance.


25. Id. at 7.

26. Waterstone, supra note 16, at 355 (“A person was included in the survey as someone with a disability if that person [h]as a disability or health problem that prevents him or her from participating fully in work, school, or other activities; or [r]eports having a physical disability, a seeing, hearing, or speech impairment, an emotional or mental disability, or a learning disability; or [c]onsiders himself or herself to have a disability or says that other people would consider him or her to be a person with a disability.” (alterations in original) (quoting 2000 NATIONAL ORGANIZATION ON DISABILITIES/HARRIS SURVEY OF AMERICANS WITH DISABILITIES 3 (2000)).
impediment. These impediments included no accessible parking, no curb cuts, and steep ramps.

By 2012, the picture had improved, but not by much. Thirty percent of voters with disabilities had difficulty voting; by contrast, only eight percent of voters without disabilities faced challenges. Forty percent of people with disabilities who had not voted in a polling place in the previous ten years said that they expected to encounter difficulties if they tried to vote at a polling place, as compared to one percent of the comparable group of people without disabilities.

3. Poll workers

Voters in 2012 related multiple anecdotes on how poll workers impeded their ability to vote. An Arizona voter reported that when he or she “asked to use the accessible voting equipment, they were told no, they did not need it.” Poll workers told another Arizona voter that they did not know how to use the accessible equipment. Arizona and Ohio voters were not able to vote privately. A poll worker in Illinois “told the voter she could not have an assistant help her to vote because she did not look like she had a disability.” In Michigan, a nonverbal voter with a physical disability was questioned as to his right to vote by poll workers. A survey of Missouri and Tennessee voters with disabilities concluded that the major problems were inaccessible polling places, lack of knowledge by poll workers about accommodations or disabilities, and discomfort among poll workers to help people use accessible technology.

B. Potential Remedies

Several statutes currently address voting for people with disabilities, either expressly or implicitly. Generally, these statutes are not designed to address

27. See U.S. GEN. ACCOUNTING OFFICE, supra note 24, at 7.
29. Id.
31. Id.
32. Id. at 8.
33. Id.

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voting and disability together due to vagueness, underinclusiveness, an absence of minimal federal standards, and a lack of protection for a secret and independent vote. The hodgepodge of statutes, and their lack of enforcement, makes it difficult to address problems of voting with a disability. The newest protection, the Help America Vote Act (HAVA), introduces a more robust norm for voting by people with disabilities, but it suffers from the same problem of underenforcement because it does not provide for a private right of action. As a result, it is difficult to rely upon statutory protection to vindicate the political rights of people with disabilities.

1. Voting Rights Act of 1965

The Voting Rights Act (VRA) is a landmark act that is targeted at ending racial discrimination in voting. The VRA provides that people with disabilities have the right to receive assistance in voting by a person of their choosing. “Any voter who requires assistance to vote by reason of blindness, disability, or inability to read or write may be given assistance by a person of the voter’s choice” except for an employer or union representative. The VRA is notable for what it does not include. It lists blindness as a disability but not anything else. It is silent on the issues of voting privately and independently and polling place accessibility. It only applies to federal elections and provides very little guidance on what type of assistance to give.

Shelby County v. Holder invalidated the coverage formula in section 4 of the Voting Rights Act, which calculated which states and localities were covered under section 5 and thus needed prior approval from the Department of Justice (DOJ) before changing their voting laws. This formula was intended to prevent new racially discriminatory voting laws in areas with a prior history of such practices. The fear by some voting rights advocates is that these racially discriminatory tactics will increase in the wake of the law’s demise.

Racially discriminatory laws will also implicate disability. Thirty-six percent of Americans with disabilities are black and Latino. According to the

35. See Waterstone, supra note 16, at 361; Weis, supra note 19, at 425.
38. Id. § 10508.
40. Id. at 2618, 2631.
GAO, black Americans have higher disability rates than whites. Among adults, the rate of disability by race ranges from 11.6% for Asian Americans to 29.9% for American Indians and Alaska Natives. The highest percentages of people with disabilities are found in Southern states, where there is a legacy of voting challenges.

2. Section 504 of the Rehabilitation Act of 1973

Prior to the enactment of the Americans with Disabilities Act (ADA), the Rehabilitation Act of 1973 was the most robust legal defense for the rights of people with disabilities. It prohibits discrimination on the basis of disability by programs run by federal agencies, programs that receive federal financial assistance, and programs that have federal employees or federal contractors. It defines disability as "a physical or mental impairment that substantially limits one or more [of an individual's] major life activities[, . . . a record of such an impairment[, or . . . [an individual] being regarded as having such an impairment." Section 504 generally disallows the exclusion of people with disabilities from activities that receive federal funding. Federal courts have held, however, that a plaintiff has to allege that a specific election official or specific program or activity receives federal funding; the mere fact that a state obtains federal money is insufficient for litigation to occur. Prior to HAVA, however, little federal funding powered state and local elections, and thus the Rehabilitation Act was not a useful vehicle for litigation.

42. Id.
46. Id.
50. Am. Ass'n of People with Disabilities v. Smith, 227 F. Supp. 2d 1276, 1293 n.22 (M.D. Fla. 2002) ("[A] plaintiff must allege that the specific program or activity with which he or she was involved receives or directly benefits from federal financial assistance." (quoting Lightbourn v. Cty. of El Paso, 118 F.3d 421, 427 (5th Cir. 1997))).

The Voting Accessibility for the Elderly and Handicapped Act (VAEHA) “promotes the fundamental right to vote by improving access for handicapped and elderly individuals to registration facilities and polling places for Federal elections.” It defines “handicapped” as “having a temporary or permanent physical disability.” Telecommunications devices must be provided for deaf voters. The VAEHA requires accessible polling places and registration facilities for people with disabilities and elderly voters over the age of sixty-five. If the chief election officer of a district determines that there are no accessible polling places, however, the officer can provide the voter with an alternative means to cast a ballot. This essentially means that a jurisdiction can bypass access issues and force voters with disabilities to use absentee ballots instead of voting with their peers. There are no minimum standards for accessibility. That standards are up to state administrator discretion leads to widespread variance across the United States. Furthermore, remedies are limited. Only declaratory injunctive relief is available. Moreover, plaintiffs must notify the chief election officer before filing an action and then can only file suit forty-five days after notification. Thus, the burden is on the voter with a disability to identify accessibility issues in advance of the election. Finally, the VAEHA applies only to federal elections.

4. Americans with Disabilities Act

The ADA is the most robust and overarching legal protection for people with disabilities. The ADA uses the same definition of disability as the Rehabilitation Act of 1973: “[A] physical or mental impairment that substantially limits one or more [of an individual’s] major life activities[,] . . . a

53. Id. § 20107(4).
54. Id. § 20104(a)(2).
55. Id. §§ 20102(a), 20107.
56. Id. § 20102(b)(2)(B)(ii).
57. As one witness in committee testified, “[i]n order to meet the requirements of [VAEHA], some jurisdictions merely encouraged persons with disabilities to vote by absentee ballot, an approach which is merely a ruse to avoid compliance with the clear intent of the Act which is that voting places be accessible to the disabled.” Americans with Disabilities Act of 1989: Hearing on H.R. 2273 Before the H. Subcomm. on Select Educ. of the Comm. of Educ. & Labor, 101st Cong. 40-41 (1989) (statement of Nanette Bowling, staff liaison to the Mayor’s Advisory Council for Handicapped Individuals in Kokomo, Indiana).
record of such an impairment[,] or . . . [an individual] being regarded as having such an impairment.”

Congress listed voting as one of the historic areas of discrimination when enacting the ADA. Government and public institutions, including public accommodations, have to make reasonable modifications to prevent discrimination against people with disabilities. Title II of the ADA provides that “no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.” Title III covers public accommodations, such as the private schools that are not covered under Title II.

The legacy of the ADA with respect to voting protection is mixed. Not all polling places are covered by ADA accessibility requirements if they are in private spaces, for example. Courts have not required that all polling places be deemed accessible or guarantee a secret and independent vote. In American Ass’n of People with Disabilities v. Shelley, for example, the court found against an association of blind voters who sought to prevent the removal of voting machines they used to vote privately and independently, holding that while “casting a vote independently and secretly would be preferred over casting a vote with the assistance of a family member or other aide,” the ADA does not require that accommodations are “comparable in every way with the voting rights enjoyed by persons without disabilities.” Furthermore, localities need


61. 42 U.S.C. § 12101(a)(3). Members of Congress also specifically noted displeasure with voting rights enforcement under the VAHSA, passed just four years earlier. Americans with Disabilities Act of 1989: Hearings Before the Subcomm. on the Handicapped of the S. Comm. on Labor & Human Res., 101st Cong. 183 (1989) (statement of Sen. Durenberger, Chairman, Senate Select Committee on Intelligence) (“We went through this several years ago with the Voting Rights for the Handicapped Act—we are going to make all the voting places in America accessible to persons with disabilities. But we didn’t send along a check or the resources to carry it out. It was sort of an encouragement that we sent along. And I figure there are still a lot of folks in this room who are probably having some difficulty gaining access to polling places.”).


an individual with a disability 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, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity.

Id. § 201(2).

64. Id. tit. 3, § 301(7).

65. 324 F. Supp. 2d 1120, 1126 (C.D. Cal. 2004). But see, e.g., Disabled in Action v. Bd. of Elections, 752 F.3d 189, 200 (2d Cir. 2014) (“Although [plaintiffs] were ultimately able to
not have complete compliance if they claim undue financial or administrative hardship.\textsuperscript{66}

5. National Voter Registration Act of 1993

The National Voter Registration Act of 1993\textsuperscript{67} (NVRA) requires that states provide voter registration materials in all state offices that offer services to people with disabilities; states must also provide assistance in filling out and transmitting the forms.\textsuperscript{68} Unfortunately, the federal government has not made enforcing section 7, which requires states to provide registration at places such as offices administering public assistance, a priority.\textsuperscript{69} These offices reach people with disabilities who do not have driver’s licenses.\textsuperscript{70} While the Act has succeeded in increasing registration of people with disabilities, it has not affected turnout.\textsuperscript{71}

6. Help America Vote Act of 2002

HAVA was enacted in the wake of the 2000 election debacle and the flawed election procedures in Florida. Its focus is on updating voting machines. Title I provides funds for election improvements, including replacing voting machines.\textsuperscript{72} HAVA released $3.86 billion in funds to improve voting procedures.\textsuperscript{73} It does require that each polling place must have at least one
voting machine “equipped for individuals for disabilities.” Title II gives grants for accessible polling places. Title III gives funds to implement uniform and nondiscriminatory voting standards. HAVA also establishes the U.S. Election Assistance Commission (EAC), which is described as “an independent, bipartisan commission charged with developing guidance to meet HAVA requirements, adopting voluntary voting system guidelines, and serving as a national clearinghouse of information on election administration.” The EAC conducts studies of accessible voting practices for people with disabilities.

Part of the design of HAVA is to ensure that voters, including voters with disabilities, can cast votes without assistance. Thus, voters with disabilities, like their fellow citizens, are entitled to a secret and independent ballot for the first time. Election officials must provide voting opportunities to people with disabilities “in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters.” As of 2010, every state had received HAVA funding; thus, they are potentially liable for section 504 suits under the Rehabilitation Act.

The statute, however, is rife with problems. It does not provide a description of disabled voters and only discusses blind and visually impaired voters specifically. HAVA does not provide technical guidelines or minimum national standards for accessibility; thus, states and localities remain a patchwork of standards and practices. Furthermore, it is silent on absentee voting.

One of the most foundational flaws in HAVA is that there is no private right of action for violations, just injunctive or declaratory relief. Thus,

75. Id. tit. 2, § 261.
76. Id. tit. 3, § 301.
82. See Ellement, supra note 18, at 58.
83. Weis, supra note 35, at 447.
84. Kanter & Russo, supra note 79, at 854.
voters have not turned to HAVA in large numbers to vindicate their rights.\textsuperscript{86} The DOJ has given administrative guidance to localities but to date has only brought twelve cases total under the statute, none of which concern disability.\textsuperscript{87}

III. Contemporary Controversies in Voting and Disability

Contemporary controversies about voting spill over the pages of newspaper articles, blogs, and court opinions. While advocates and scholars have recognized the effect of these controversies with respect to their disparate impact on voters of color, less attention has been paid to how disability is implicated in these key disputes. Voters with disabilities are implicated in voter fraud. They are disparately impacted by voter identification requirements. Long lines deter them from voting. They disproportionately vote absentee. The current wars are causing their numbers to increase. Their problems with new voting technology affect the design of these machines at their foundations. Thus, fully solving all of these problems will require attention to the issues that voters with disabilities face.

A. Voter Fraud

Voter fraud was one of the animating elements for the Supreme Court in upholding the strict Indiana voter identification rules in \textit{Crawford v. Marion County Election Board}.\textsuperscript{88} Despite allegations of widespread voter fraud,\textsuperscript{89} studies have not found it to be a widespread phenomenon. One study found thirty-one cases of voter fraud out of over one billion ballots cast between 2000 and 2014.\textsuperscript{90}

Where voter fraud potentially occurs, though, it is in arenas where people with disabilities predominate, such as with absentee voting in long-term care

\textsuperscript{86} Daniel Tokaji has concluded: “[T]he volume of litigation under this statute has not been overwhelming. Searching Westlaw’s database of cases, my research assistant and I found a total of 71 cases.” Daniel P. Tokaji, \textit{HAVA in Court: A Summary and Analysis of Litigation}, 12 ELECTION L.J. 203, 204 (2013).


\textsuperscript{88} 553 U.S. 181 (2008).


facilities. Long-term care facilities (LTCs) are of particular concern in addressing the problems of voters with disabilities. About 1.4 million people live in nursing homes, not including the people who live in other institutions such as assisted living facilities, retirement communities, and rest homes.92

Despite the decided absence of widespread voter fraud, allegations of fraud have occurred with elderly or disabled residents.93 Political groups may employ "granny farming," where people with disabilities and the elderly are signed up to vote with premarked ballots without their consent.94 People in LTCs may suffer from voter fraud due to interference by third parties.95 In LTCs, gatekeeping by administrators can be ad hoc and inconsistent.96 A minority of states include in their absentee balloting procedures specific provisions for nursing home residents. One study suggests, however, that many facilities are not aware that they could request voting assistance by election officials for their residents.97 The residents, though, want to vote like their fellow citizens outside institutional walls.98 Activating their electoral power may spur politicians to pay more attention to these LTC residents, who are comparatively neglected.99


93. See Fay, supra note 9, at 455-56.

94. "Granny farming" is when political groups take premarked absentee ballots to LTCs. Flynn, supra note 91, at 483; Gentry, Absentee Ballot Fraud Hits Texas, Grannyfarming a Longterm Problem, No Vote By Mail Project (Mar. 5, 2008), http://novbm.wordpress.com/2008/03/05/absentee-ballot-fraud-hits-texas-grannyfarming-a-longterm-problem.

95. Fay, supra note 9, at 462.


97. Kohn, supra note 96, at 1076.

98. See id. at 1072 (explaining that LTC residents desire to vote).

99. See id. at 1074. Note that some LTCs prohibit politicians from entering the facility. Id. at 1105-06.
B. Voter ID

The League of Women Voters estimates that nearly ten percent of voters with disabilities do not have photo ID.100 Six million people over the age of sixty-five lack a photo ID.101 While people with disabilities often have Social Security or Medicaid cards, these pieces of identification do not suffice under the new laws.102 Rural voters face difficulties obtaining voter identification from often-remote government offices.103 Poor people, who are also disproportionately people with disabilities, are less likely to have identification.104 Residency requirements also affect people with disabilities, especially the homeless population, which is disproportionately a disabled population. If people with disabilities live with caretakers, it may be difficult for them to have documentation with their name and address.105 Taking advantage of disability exemptions for identification requires knowledge by either the person with a disability or a state employee, both of whom may lack the requisite information.106 People with disabilities may not be able to drive to a driver’s license facility, or public transportation may be absent or inaccessible.107

C. Long Lines

President Obama famously decried long lines for voting during his victory speech after the election: "I want to thank every American who participated in

103. See Petruszak, supra note 10, at 249 (noting that rural voters are disproportionately elderly).
106. Id.
107. Shaun Heasley, Transportation Hurdles Keep Many with Disabilities Homebound, DISABILITY SCOOP (May 9, 2012), https://www.disabilityscoop.com/2012/05/09/transportation-homebound/15576 ("[S]ome 31 percent of people with disabilities report having insufficient transportation compared to 13 percent of the general population . . . .").
this election, whether you voted for the very first time or waited in line for a very long time... [W]e have to fix that.108 Long lines are the culmination of a lack of resources, such as poll workers and voting machines, allocated to particular voting sites.109 More than five million voters waited more than an hour to vote in 2012.110 An estimated 500,000 to 730,000 votes were lost due to long lines in 2012.111

While the press and scholars have discussed long lines, they usually focus on race and highlight that people of color disproportionately face long lines to vote.112 Disability is also implicated in long lines, however, as some racial minorities are disproportionately more disabled than white Americans.113 As people with disabilities often require more time at the polling place itself because of the need for accommodations,114 long lines add to the “time tax” for voting that disproportionately falls upon people with disabilities.115 Long lines at the polling place are not just an inconvenience; they may make voting an impossibility for some people with impairments such as physical frailty or old age.116 People with post-traumatic stress disorder (PTSD) or traumatic brain injury (TBI) may find it intolerable to wait in long lines, which may hurt disabled veterans disproportionately.117 Moreover, many of these impairments

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113. See supra note 42 and accompanying text.
115. See Mukherjee, supra note 112, at 180-81 (explaining the concept of the “time tax” in voting).
116. Levitt, supra note 112, at 467.
117. See GOV’T ACCOUNTABILITY OFFICE, GAO-14-850, OBSERVATIONS ON WAIT TIMES FOR VOTERS ON ELECTION DAY 2012, at 1 (2014), http://www.gao.gov/assets/670/666252.pdf (noting that extended waiting times may “impose hardships on... those with disabilities who are physically unable to wait for long periods of time”); INFO. TECH. & INNOVATION FOUND., MAKING VOTING MORE ACCESSIBLE FOR VOTERS WITH DISABILITIES 3 (2012), http://www2.itif.org/2012-making-voting-accessible-vets
are invisible to poorly trained workers, who may not identify the voters in long lines in need of assistance. Because of poor training, poll workers may not know what accommodations they can employ to help people with disabilities. Voters with disabilities may not know to ask for these accommodations either if there is no signage at the polling place. Long lines make voters less confident in the voting process and that their votes will count.

D. Absentee Ballots

People with disabilities are more likely than those without to vote absentee. Forty percent of voters with disabilities use absentee ballots. The use of absentee ballots in general is on the increase. For example, half of all ballots in California now are absentee, up from 2.6% in 1962. Oregon, Washington, and Colorado use an all-mail system for all voters. States vary in their procedures for obtaining an absentee ballot, from twenty-one states requiring an excuse to twenty states having a no-excuse system and two states having mail-only voting. Requiring an excuse may lead to lower turnout among voters with disabilities.

Voting by mail is not a panacea, however, for the problems that voters with disabilities face. Jessica Fay has compiled examples of absentee ballot manipulation. They include: an elderly woman reporting that a man completed her ballot without her consent or participation, telling her “you’re [disabilities.pdf (noting that those who suffer from PTSD and TBI may have difficulty with tasks requiring extended concentration).]

118. Indeed, Louisiana allows only visibly disabled voters to skip long lines at the polling place. See infra Appendix.


121. STEWART & ANSOLABEHERE, supra note 111, at 3-4.


123. Id. at 1020; Summer Parkerperry, In California, Election Day Really Is Election Month, CAPITOL WKLY. (Jan. 4, 2014), http://capitolweekly.net/california-election-day-election-month.

124. Tokaji & Colker, supra note 122, at 1022; see infra Appendix.

125. See Tokaji & Colker, supra note 122, at 1024 (“[A]llowing voters to obtain permanent absentee status might ease the burden on voting by people with disabilities because they would no longer need to apply for an absentee ballot in each election, although we have not found any empirical research confirming this effect.”).
voting Democratic,” a man marking the ballots of people with physical
disabilities contrary to their wishes; and another man punching the ballots of
thirty-five seniors at a nursing home.\textsuperscript{126} Joan O’Sullivan notes that Chicago has
been subject to multiple accusations of voter fraud in nursing homes, where
precinct captains were accused of “assist[ing]” nursing residents to fill out
absentee ballots.\textsuperscript{127}

States may have procedures that make it difficult or impossible for people
with disabilities to vote absentee. Maryland’s program, for instance, was found
to violate the ADA and the Rehabilitation Act because disabled voters would
find it difficult to mark a hardcopy absentee ballot by hand without
assistance.\textsuperscript{128} Maryland did have an online ballot-marking tool that was more
accessible but made it available only to overseas and military absentee
voters.\textsuperscript{129} People with disabilities can also have difficulty with nonaccessible
prevoting procedures, even if the ballot itself is accessible. For example, in
Ohio, voters must complete an absentee ballot application in writing.\textsuperscript{130} Texas
may disenfranchise people with disabilities because it limits the number of
times a person can witness an application for a ballot if the voter cannot sign
his or her ballot because of disability.\textsuperscript{131}

Voters in LTCs may face difficulties because they may have moved out of
their previous electoral district upon moving to the LTC; thus, they need to
register again. It can be difficult for people with disabilities to exercise the
practice of a secret and independent vote while voting absentee, as their
accommodation is probably a third party rather than technology.\textsuperscript{132} Third
parties can act as informal gatekeepers,\textsuperscript{133} pressure residents to vote a
particular way, or perpetrate fraud.\textsuperscript{134} Additionally, they could steal the vote of

\textsuperscript{126} Fay, \textit{supra} note 9, at 454-55.
\textsuperscript{129} \textit{Id.} at 499-500.
\textsuperscript{130} Tokaji & Colker, \textit{supra} note 122, at 1038.
\textsuperscript{131} Flynn, \textit{supra} note 91, at 471, 474.
\textsuperscript{132} Tokaji & Colker, \textit{supra} note 122, at 1036, 1038-39.
\textsuperscript{133} Jason H.T. Karlawish et al., \textit{Identifying the Barriers and Challenges to Voting by Residents
in Nursing Homes and Assisted Living Settings}, 20 \textit{J. Aging & Soc. Pol’y} 65, 72 (2008);
O’Sullivan, \textit{supra} note 127, at 341-42 (finding that nursing home staff screened
residents before letting them vote).
\textsuperscript{134} Tokaji & Colker, \textit{supra} note 122, at 1025-26. According to the EAC, when voter fraud
occurs, it generally takes place during absentee voting. So if we actually do make
polling places more accessible, we could cut down on fraud. U.S. ELECTION ASSISTANCE
COMM’N, \textit{ELECTION CRIMES: AN INITIAL REVIEW AND RECOMMENDATIONS FOR FUTURE
a resident without her knowledge. Voters with disabilities can face difficulties with the ballot itself if there are no accommodations, such as with filling it out or sending it in. Absentee voters cannot take advantage of late-breaking news or information about the election. Additionally, they cannot participate in the widespread civic ritual of voting in public. Finally, voters may make a mistake in voting that would remain unremedied in the absence of election-official assistance or technology developed to notice mistakes.

E. Voting by the Military and Veterans

Veterans are part of this story as well. While there are robust protections in place to protect the right to vote for active duty service members who must vote absentee, these disappear once service members are discharged and become part of the general population. An estimated 2.9 million Americans are veterans with disabilities. Over 180,000 Iraq and Afghanistan veterans collect disability benefits. Psychological injuries include PTSD and TMI, which can increase the cognitive challenges of voting. It may be difficult for these voters to keep track of a complicated voting process, concentrate, or learn how to use novel voting technology. Compounding these difficulties is the fact that their injuries are not always visible, thus making it more challenging for poll workers. Physical injuries such as spinal cord injuries and amputations can impair mobility and dexterity. Difficulties that

135. Tokaji & Colker, supra note 122, at 1017.
136. Id. at 1024.
137. Id.
138. Id. at 1026-27.
141. Id.
143. Paralyzed Veterans EAC Roundtable, supra note 139.
144. Id.
veterans face include the fact that their impairments are fairly recent, so they are not used to using assistive technologies.145 Also, they often are receiving medical care away from their residences and thus have to vote absentee.146

F. Voting Technology

The main purpose of HAVA was to update the election technology for voting from paper ballots to an electronic system. HAVA requires at least one accessible voting machine in each polling place. The demands on accessible voting technology are numerous and encompass a variety of disabilities, from people who have trouble with dexterity and hand-eye coordination, to people who are blind, to elderly voters who have trouble with new electronic technology. Additionally, there is tension between those who emphasize accessibility to all potential voters and those who prioritize technological security.147 The accessibility camp would prefer that people use their own technology to access voting, as this would be the most comfortable scenario for the voter and would encompass various types of disabilities.148 On the other hand, a system without centralized control would introduce a number of technological headaches, such as the possible introduction of computer vulnerabilities.149 While disability advocates have praised the possibility of voting technology to become more accessible than paper and allow a secret and independent vote for the first time for some voters, people also criticize current technology for its unwieldiness and lack of user-friendliness.150 Often people with disabilities are left out of the testing process, so they cannot weigh in on the accessibility features that would best suit the disability community.151 Right now, there is no silver-bullet machine that is wholly accessible, comfortable for both voters and poll workers, and technologically secure. In the 2012 election, the National Council on Disability found that

145. INFO. TECH. & INNOVATION FOUND., supra note 117, at 4.
146. Id.
148. See id. at 10-11.
149. See id. at 10.
151. See Danielson & Zimmerman, supra note 147, at 10 (noting that voting terminals are generally not subject to testing).
forty-five percent of the barriers within the polling place were due to voting machines.152

While HAVA addresses user interface with respect to voters, less attention has been paid to interface issues with respect to poll workers. As voting becomes more and more complicated, training issues for poll workers on new technology may become a bottleneck in the system that could lead to fewer workers, long lines, and difficulties in assisting voters with accessibility issues.153 Additionally, poll workers may segregate the one HAVA-mandated accessible machine in a corner or may not turn it on until requested by a voter; these actions may suggest to the voter that her needs as a voter are not important and stigmatize her in comparison to other voters.154

IV. Remedies

A. Doctrinal Change

In the wake of Crawford, which held that an Indiana law that required photo identification for voters did not violate the Constitution,155 and Shelby County v. Holder, which invalidated part of the Voting Rights Act,156 states have been quite aggressive in their attempts to make the electoral process more onerous for voters. Thirty-one states have voter ID requirements.157 Sixteen states passed stricter voting rules between 2011 and 2013.158 These new rules produce an array of concerns, and disability touches upon all of them.

Though Crawford upheld a strict voter ID requirement for voting, the case itself may offer opportunities for lifting that sanction. The case emerged after Indiana passed a voter identification law that required photo identification. Indigent or certain religious voters could cast provisional ballots, but they had to go to the county seat to execute an affidavit within ten days after the
election in order for their votes to be counted.\textsuperscript{159} Other voters without photo identification could also cast a provisional ballot, but they had to present photo identification at the circuit county clerk’s office within ten days after the election.\textsuperscript{160} The challengers to the law argued that the process for obtaining a photo ID was too burdensome and costly for voters, especially poor, disabled, or old voters.\textsuperscript{161} The State contended that the law was necessary in order to combat voter fraud.\textsuperscript{162}

\textit{Crawford} weighed the burdens on voting imposed by the voter identification law against the state’s interest in combatting voter fraud. It found that the law did not impose substantial burdens on individual voters. The case suggests, though, that a barrier to voting would be facially unconstitutional if a large group of voters were burdened.\textsuperscript{163} And a barrier might be unconstitutional as applied if a smaller group of voters is severely burdened.\textsuperscript{164} The record that was introduced did not satisfy the Court as to the magnitude of the burden on a group of voters, such as people with disabilities. The challengers to the law did not produce for the record any actual potential voters who were not able to meet the law’s requirements.\textsuperscript{165} The majority opinion did leave open, however, the possibility of presenting a stronger record of the burdens on people with disabilities that voter ID laws would impose.\textsuperscript{166} While the Court has been averse to declaring statutes facially invalid,\textsuperscript{167} the opinion suggests that the burden of visiting the county clerk’s office for every election may be unacceptably burdensome.\textsuperscript{168}

The key, then, is to convince the Court that both the burden on voters and the size of the affected group are substantial. Thus, advocates could pursue one of two avenues of approach. They could argue that voters with disabilities, as one out of five voters, are a sufficiently large group of voters that laws such as voter ID are facially unconstitutional. Or they could launch as-applied challenges through demonstrating the difficulties that voters with disabilities face. Either one would require developing a record of problems that is currently lacking in the literature, but this type of research may prove legally fruitful. Advocates should emphasize the burden in terms of the time taken and

\begin{itemize}
\item \textsuperscript{159} \textit{Crawford}, 553 U.S. at 186.
\item \textit{Id.}
\item \textit{Id.} at 187.
\item \textit{Id.} at 191.
\item \textit{Id.} at 199-200, 203.
\item \textit{Id.} at 199, 202.
\item \textit{Id.} at 187.
\item \textit{Id.} at 200.
\item \textit{Crawford}, 553 U.S. at 199 n.19.
\end{itemize}
difficulty for people with disabilities, who have difficulties with transportation, of obtaining the identification or proving one’s identity after the election by traveling to the clerk’s office. People with disabilities are more likely to be poor than people without disabilities. Less than half of adults with a disability are employed, in comparison to more than three-quarters of adults without a disability. Of adults who have severe disabilities, 28.6% are poor, as compared to 17.9% of adults with nonsevere disabilities and 14.3% of adults without disabilities. They are also more likely to experience persistent or temporary periods of poverty.

B. Policy Solutions

While scholars and advocates have produced voluminous amounts of data about voting compiled by states and localities, very little of it addresses voters with disabilities. Innovations by states and localities, though, provide opportunities and new directions for developing best practices for voting. We can sift through the evidence that we do have to see what best practices are so that we improve in the future.

I obtained information from the Secretary of State’s election website for each respective state on the following issues: voter identification, the possibility of permanent absentee voter status, curbside assistance availability, line-jumping for elderly or disabled voters, provisions for voting while in an LTC, and whether a voters-with-disabilities section was listed on the main voting webpage. I also noted any miscellaneous provisions, such as whether there was a brochure for voters with disabilities. I then called each Secretary of State’s election assistance line to fill in the information unavailable on the website. The results are listed in the Appendix.

The goal of this search was twofold: first, to compile and compare services across states; second, to assess how difficult it is for the typical voter with a disability to access pertinent information on voting. While states vary wildly in the types of provisions they offer to their citizens, on the whole, finding this information in a typical state proved a daunting proposition. Exemplar state websites include Connecticut, California, and Oregon. Eight states do not have any information for voters with disabilities anywhere on their website. An additional eight states make voters hunt for the information they do provide, as it is not listed on the main voting webpage or on the directory under

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170. Id. at 12.

171. Id.

“voters” on the main page. Most state election divisions cheerfully answered questions over the phone about their accessibility provisions, which is a hopeful indicator for a typical voter who calls for information. By contrast, Michigan does not provide a mechanism to call the Elections Division for their Secretary of State. Only one state, Florida, refused to answer questions, instead referring to their website and statutory authority. Iowa officials not only responded to questions over the phone but also sent additional information via e-mail.

The most daunting barrier to obtaining information was the locally driven aspect of voting. When speaking to election officials, they deferred most questions to the county level. This makes it even harder to plan in advance on accessibility measures for the typical voter with a disability and difficult for disability advocates to strategize across county lines. States should instead mandate policies that cover all of their citizens, rather than a privileged few.

Furthermore, polling place accessibility and identification requirements may push voters with disabilities toward absentee voting whether they want to or not. Not every state guarantees that their polling place is accessible or has an easy or convenient way to figure out in advance whether a particular polling place fits the needs of a particular voter. Moreover, the bypass for identification requirements is to encourage people to vote absentee instead. As a minority of states provide permanent absentee status, people with disabilities may face filling out possibly nonaccessible paperwork to vote in isolation from their peers year after year.

Exemplar states include California, which created requirements for physical accessibility. Missouri mails out voter information to people who have registered with the Department of Revenue as drivers with disabilities. States that directly involve disability advocacy groups in creating and testing voting procedures and technology include New York, Virginia, California, Rhode Island, Arizona, Connecticut, Kansas, and Ohio.

Potential remedies to voting barriers include accessible public buildings, leasing private accessible spaces, curbside voting, or absentee voting. In 2001, 56% of the time, the solution for inaccessible polling places was curbside

174. Telephone Interview with the Office of the Sec’y of State for Iowa, Elections Div. (Feb. 17, 2016); E-mail from Peggy Sieleman, Clerk-Specialist, Iowa Sec’y of State, to author (Feb. 17, 2016, 11:06 AM) (on file with author).
175. See infra Appendix.
176. Accessible Voting for Individuals with Disabilities, supra note 142.
177. See infra Appendix.
voting. This went down to 45% in 2008. Twenty states still allow curbside voting by state policy; at this point, it may be offered as a courtesy for voters who have difficulty entering the polling place rather than as a substitute for an inaccessible polling place.

Allowing possibilities for filing absentee ballot applications via telephone, fax, or the Internet allows more options for people with disabilities, among others. Expanding permanent absentee voter status so that people with disabilities do not have to constantly refile is another solution. Seventeen states allow permanent absentee voting status for people with disabilities, which eases the application and registration process for these voters.

A better solution shifts the burden of casting the ballot from the individual voter onto state and local authorities by bringing the polling place to the voter via mobile polling. That would follow the lead of the twenty-three states that have absentee voter procedures for people who live in institutions. New York, for example, triggers mobile polling if twenty-five or more applications originate from the same location. Puerto Rico and Vermont also have mobile polling programs. Oregon uses tablets and portable printers for supervised voting in LTCs. Lowering the number of votes required for triggering mobile polling, or not requiring a trigger number at all, will facilitate more voting in LTCs. Some states, such as Illinois and Minnesota, ensure that balloting in LTCs is done by election judges drawn from different political parties, instead of the third parties that might invite fraud. LTCs could facilitate voter registration upon admission for new residents so that they are eligible to vote in their new residence in a timely fashion. Also, states can require local election boards to initiate the voting process with LTCs rather than relying upon LTC residents who may not be aware that they are able to vote absentee or in their residence.

179. See infra Appendix.
180. Tokaji & Colker, supra note 122, at 1040.
181. Id.
182. See infra Appendix.
183. Accessible Voting for Individuals with Disabilities, supra note 142.
184. A minority of states provide for voting procedures for all covered LTCs without a triggering circumstance. Amy Smith & Charles P. Sabatino, Voting by Residents of Nursing Homes and Assisted Living Facilities: State Law Accommodations, 26 BIFOCAL 1, 4 (2004); see infra Appendix.
185. Kohn, supra note 96, at 1101-02.
186. Id. at 1103-04.
President Obama formed a Presidential Commission on Election Administration that addressed, among other things, long lines and recommended that voters wait no more than a half-hour to vote.\textsuperscript{188} The National Council on Disability also recommends that voters with disabilities could sit within the polling place if there is a long line, in an attempt to ease their physical strain.\textsuperscript{189} Eleven states mandate state-level policies that allow voters with disabilities to skip to the front of the line.\textsuperscript{190}

Election officials can collaborate with Veterans Affairs (VA) facilities to offer assistance, training, and information. They should be cognizant of the fact that VA institutions have injured veterans from an array of localities, and all need help with absentee ballot preparation. The Department of Veterans Affairs can take affirmative steps to aid veteran registration, voting, and outreach. It can allow registration drives within veterans’ facilities under the NVRA and increase voting opportunities for veterans residing in veterans’ facilities.\textsuperscript{191} California is an example of successful coordination with disabled veterans. Its efforts include adding a voter registration brochure to the welcome package that all veterans who return from a tour of duty receive and providing voter registration forms to Veterans Homes residents.\textsuperscript{192} Half of states work directly with VA facilities for voter education or provide election materials and assistance.\textsuperscript{193} The U.S. Army’s Warrior Transition Units give information about voting to disabled service members who are transitioning to civilian life.\textsuperscript{194}

Projects are underway to create more accessible and secure voting machines for all voters. Notable ones include the Prime III project at Clemson and the RAV project.\textsuperscript{195} Los Angeles County has developed its own voting

\textsuperscript{188}. PRESIDENTIAL COMM’N ON ELECTION ADMIN., supra note 110, at 13-14.
\textsuperscript{189}. NAT’L COUNCIL ON DISABILITY, supra note 152, at 85.
\textsuperscript{190}. See infra Appendix.
\textsuperscript{193}. Accessible Voting for Individuals with Disabilities, supra note 142.
\textsuperscript{194}. INFO. TECH. & INNOVATION FOUND., supra note 117, at 7.
system that began at its foundations with input from voters.\textsuperscript{196} Alabama, Alaska, Arizona, Missouri, and North Dakota are leaders in providing electronic balloting and online voting.\textsuperscript{197} Additionally, because of the large number of absentee voters, the military has developed technological advances that allow military voters to vote via the Internet.\textsuperscript{198}

Wisconsin offers a good case study of improvements to the voting process. There are over half a million potential voters with disabilities that live in Wisconsin.\textsuperscript{199} The state conducted polling place accessibility audits in nearly every municipality and county in the state.\textsuperscript{200} These audits revealed 1652 findings of high severity, that is, “problems . . . that, in and of itself, would be likely to prevent a voter with a disability from entering a polling place and casting a ballot privately and independently.”\textsuperscript{201} The average polling place had 4.9 accessibility problems.\textsuperscript{202} Most of these problems were within the voting area itself.\textsuperscript{203} For example, 105 locations did not have a place where voters using wheelchairs could cast a paper ballot.\textsuperscript{204} Other problems included inaccessible entrances, found in fifty-nine percent of the audited locations.\textsuperscript{205} These problems have led to solutions that have increased accessibility for people with disabilities overall. For example, a municipality built a new municipal facility as a replacement for its previous inaccessible building.\textsuperscript{206}

\begin{footnotesize}
\begin{itemize}
\item[201.] Id.
\item[202.] Id.
\item[203.] Id. at 7.
\item[204.] Id.
\item[205.] Id.
\item[206.] 2013 \textit{Wis. Accessibility Report}, supra note 199, at 18.
\end{itemize}
\end{footnotesize}
Absentee voters in LTCs are allowed to bypass voter ID requirements through the use of special voting deputies. Additionally, Wisconsin legislators expanded the number of LTCs served by special voting deputies. Furthermore, voters with disabilities can also receive an exemption from signing poll lists before receiving a ballot. Between 2014 and 2015, the Election Board conducted a series of training sessions around the state to certify 2550 election workers; “[a] significant portion of this training protocol focused on assisting and working with voters with disabilities.” The Election Board worked in collaboration with the Wisconsin Disability Vote Coalition (WDVC) to develop educational and get-out-the-vote materials for voters and groups with disabilities. The WDVC is comprised of representatives from Disability Rights Wisconsin and the Board for People with Developmental Disabilities in order to “increase voting turnout and participation in the electoral process among members of Wisconsin’s disability community.” Additionally, the Election Board has formed an Accessibility Advisory Committee derived from advocacy groups to identify and remedy problems with the voting process for voters with disabilities. Through its efforts, Wisconsin has managed to eliminate the participation gap for voters with disabilities.

There are possible roadblocks to implementation. Since people with disabilities are a largely untapped electoral bloc, it may be difficult to persuade politicians to turn their attention in their direction. Improvements are also costly. These include one-time costs, such as improving physical access to the polling place and voting machines, and ongoing costs, such as training and audits. The most expensive improvements, such as voting machines, though, are covered by HAVA. Moreover, as Wisconsin has concluded, implementing physical changes can improve access to government structures not only at election time but also in general. Given that new or renewed government structures must be ADA-compliant anyway, these costs may be inevitable.

207. 2015 WIS. ACCESSIBILITY REPORT, supra note 200, at 4.
208. Id.
209. Id.
210. Id. at 18.
211. 2013 WIS. ACCESSIBILITY REPORT, supra note 199, at 19.
212. Id.
213. Id.
214. Id. at 21.
Conclusion

It is difficult to applaud democratic values when up to one-fifth of the electorate has problems voting. This gap is indicative of what we in other arenas have termed “first generation” problems in voting rights—direct restrictions on people’s ability to vote.216 We expected that these problems would be solved with respect to voters of color with the adoption of the Voting Rights Act,217 but they are still present if we turn our attention from race to disability. Voters with disabilities not only face harm because they are not able to vote individually, but also because of the blow to their representativeness as a bloc of voters with distinct interests within the political system.218

In addition to hurting the system, barriers to voting injure the people who are unable to vote. Potential voters with disabilities want to vote the same way as their fellow citizens—in person at a polling place.219 Barriers to voting contribute to the low feelings of political efficacy on the part of people with disabilities.220 Additionally, they send a message that people with disabilities are not wanted as political citizens.221 This can cause dignitary harm, especially as it is part of a pattern of second-class citizenship.222 Low political

217. Id.
218. Heather K. Gerken, Understanding the Right to an Undiluted Vote, 114 Harv. L. Rev. 1663, 1677-78, 1740-43 (2001) (arguing in favor of recognizing the importance of aggregate voting); Samuel Issacharoff & Pamela S. Karlan, Standing and Misunderstanding in Voting Rights Law, 111 Harv. L. Rev. 2276, 2282 n.30 (1998) (contending that we should think about group political power as well as the individual right to vote).
participation continues the system of ableism that has long characterized the second-class citizenship of people with disabilities. Barriers to the political process are longstanding, and historically, people with disabilities faced express prohibitions on the right to vote. Now, what ties together people across various types of impairments is the social stigma they all face as people with disabilities. An absence of people with disabilities at the polling place is a visual reminder that reinforces stigma and communicates that people with disabilities are not full citizens. Their inclusion in the democratic polity is a foundation for their participation in other arenas of social and civic life, and their lack of it is a fundamental marker of their unequal citizenship. Moreover, as people with disabilities may not have the resources to participate in politics in other ways, such as through campaign contributions, it is even more important to emphasize their right to vote for democratic inclusion purposes.

Excluding people with disabilities from the franchise threatens democratic legitimacy and consigns an already-disadvantaged population to second-class citizenship. In fact, voters with disabilities also compose a cross-cutting assemblage of people from other disadvantaged groups of concern such as people of color, veterans, poor people, and the elderly. As disability intersects with other categories of identity, election law scholars who care about those other categories must address disability as well.

As the country keys up for a presidential election, a significant part of the electorate is watching and waiting to see if this election aligns with the ethos of full participation in a secret and independent ballot for all voters. While recent history indicates that this ethos has been unfulfilled for people with disabilities, some state evidence shows new possibilities for fixing this problem for the future.
## Appendix

### Alabama

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<td>Long-term care provision</td>
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### Alaska

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<tr>
<td>Line-jumping</td>
<td>Poll worker’s discretion(^{233})</td>
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<td>Miscellaneous</td>
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231. Id.

232. Id.

233. Id.

234. Id.


237. Id.
Arizona

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<td>Line-jumping:</td>
<td>Varies by county(^{241})</td>
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<tr>
<td>Long-term care provision:</td>
<td>Varies by county(^{242})</td>
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<td>Link on main voting page:</td>
<td>Yes(^{243})</td>
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<td></td>
<td>States that “[t]he Arizona Center for Disability Law will run a hotline to address any election concerns for persons with disabilities” and that “[t]he ACDL . . . will file Help America Vote Act (HAVA) complaints.”(^{244})</td>
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Arkansas

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<tr>
<td>Long-term care provision:</td>
<td>Yes(^{249})</td>
</tr>
<tr>
<td>Link on main voting page:</td>
<td>No</td>
</tr>
<tr>
<td>Miscellaneous:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>No information for voters with disabilities on website.</td>
</tr>
</tbody>
</table>

\(^{238}\) Voter Identification Requirements, supra note 227. The National Conference of State Legislatures defines a "strict" voter ID law as one that requires a voter without acceptable identification to "vote on a provisional ballot and also take additional steps after Election Day for it to be counted," such as returning to the election office with acceptable ID. Id.


\(^{240}\) Id.

\(^{241}\) Telephone Interview with the Office of the Sec’y of State for Ariz., Elections Div. (Feb. 16, 2016).

\(^{242}\) Id.

\(^{243}\) Voting in this Election, supra note 239.

\(^{244}\) Id.

\(^{245}\) Voter Identification Requirements, supra note 227.

\(^{246}\) Telephone Interview with the Office of the Sec’y of State for Ark., Elections Div. (Feb. 16, 2016).

\(^{247}\) Id.

\(^{248}\) Id.

\(^{249}\) Id.
### California

<table>
<thead>
<tr>
<th>ID required:</th>
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<tbody>
<tr>
<td>Permanent absentee status:</td>
<td>Yes(^{251})</td>
</tr>
<tr>
<td>Curbside assistance:</td>
<td>Varies by county(^{252})</td>
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<tr>
<td>Line-jumping:</td>
<td>Varies by county(^{253})</td>
</tr>
<tr>
<td>Long-term care provision:</td>
<td>Varies by county(^{254})</td>
</tr>
<tr>
<td>Link on main voting page:</td>
<td>Yes(^{255})</td>
</tr>
</tbody>
</table>

**Miscellaneous:**

Conducts a survey of voters with disabilities prior to each election.\(^{256}\) Notifies each registered voter whether his or her polling place is accessible before each election on the sample ballot mailed to each voter.\(^{257}\) Has a statewide Voting Accessibility Advisory Committee (VAAC), which “is designed to advise, assist, and provide recommendations to the Secretary of State’s office as to how voters with disabilities can vote independently and privately” and whose members “have been influential in assisting with numerous projects, including the Polling Place Accessibility Guidelines.”\(^{258}\) States that the VAAC’s members “have helped raise awareness of disability issues through their involvement in the development of the Voter Accessibility Survey and production of the Polling Place Accessibility Surveyor Training Videos.”\(^{259}\)

### Colorado

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<thead>
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<tr>
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<td>Curbside assistance:</td>
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<td>Not applicable</td>
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<tr>
<td>Long-term care provision:</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Link on main voting page:</td>
<td>Yes(^{261})</td>
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\(^{250}\). *Voter Identification Requirements*, supra note 227.

\(^{251}\). Telephone Interview with the Office of the Sec’y of State for Cal., Elections Div. (Feb. 16, 2016).

\(^{252}\). Id.

\(^{253}\). Id.

\(^{254}\). Id.


\(^{257}\). Id.


\(^{259}\). Id.

\(^{260}\). *Voter Identification Requirements*, supra note 227.
All voting by mail.\textsuperscript{262} Has a disability Q&A section on website.\textsuperscript{263} Notes that “[s]tate and federal laws require that every polling location be accessible” and urges voters to make their local election officials aware of issues if they find that their polling locations are not accessible.\textsuperscript{264} States that voters can also file a complaint with the Colorado Secretary of State and provides a link to information about the HAVA complaint process on the Colorado Secretary of State’s website.\textsuperscript{265}

Connecticut

<table>
<thead>
<tr>
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<tbody>
<tr>
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<td>Yes\textsuperscript{267}</td>
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<tr>
<td>Curbside assistance:</td>
<td>Yes\textsuperscript{268}</td>
</tr>
<tr>
<td>Line-jumping:</td>
<td>Yes\textsuperscript{269}</td>
</tr>
<tr>
<td>Long-term care provision:</td>
<td>Twenty-voter trigger\textsuperscript{270}</td>
</tr>
<tr>
<td>Link on main voting page:</td>
<td>Yes\textsuperscript{271}</td>
</tr>
<tr>
<td>Miscellaneous:</td>
<td></td>
</tr>
<tr>
<td>Encourages voters with disabilities to become poll workers.\textsuperscript{272} Provides that “[t]he eligibility statement that is part of the registration process must be made available, upon request, in Braille, large print or audio to people with visual disabilities.”\textsuperscript{273} Has a “Voters with Disabilities Fact Sheet.”\textsuperscript{274}</td>
<td></td>
</tr>
</tbody>
</table>

\begin{footnotesize}
\begin{figure}
\begin{itemize}
\item\textsuperscript{261} \textit{Voters, COLO. SECRETARY ST.}, http://www.sos.state.co.us/pubs/elections/vote/VoterHome.html (last visited June 6, 2016).
\item\textsuperscript{262} \textit{Election Fact Sheet, COLO. SECRETARY ST.}, http://www.sos.state.co.us/pubs/elections/vote/electionFactSheet.html (last visited June 6, 2016).
\item\textsuperscript{263} \textit{Voters, supra} note 261.
\item\textsuperscript{264} \textit{Electors with Disabilities & HAVA FAQ S, COLO. SECRETARY ST.}, http://www.sos.state.co.us/pubs/elections/FAQs/ElectorsWithDisabilities.html (last visited June 6, 2016).
\item\textsuperscript{265} \textit{Id.}
\item\textsuperscript{266} \textit{Voter Identification Requirements, supra} note 227.
\item\textsuperscript{268} \textit{Id.}
\item\textsuperscript{269} \textit{Id.}
\item\textsuperscript{270} \textit{Your Rights as a Voter with a Disability, CONN. OFF. PROTECTION & ADVOC. FOR PERSONS WITH DISABILITIES}, http://www.ct.gov/opapd/cwp/view.asp?a=1756&q=422996 (last updated Jan. 12, 2016).
\item\textsuperscript{272} \textit{Your Rights as a Voter with a Disability, supra} note 270.
\item\textsuperscript{273} \textit{Id.}
\item\textsuperscript{274} Conn. Sec’y of State, \textit{supra} note 267.
\end{itemize}
\end{figure}
\end{footnotesize}
Delaware

ID required: ID requested, but photo not required
Permanent absentee status: Yes
Curbide assistance: No
Line-jumping: No
Long-term care provision: Yes
Link on main voting page: Yes

Miscellaneous:

“Most polling places are wheelchair accessible.” Has an online list of permanent absentee voters. Has a Disabilities Law Program, which "receives funding to assist in the implementation of the Help America Vote Act and to ensure the full participation of people with disabilities in the electoral (voting) process" and "can provide education, training and assistance to people with disabilities to promote their participation in elections, including voter registration, training and advocacy informing the community about their rights on Election Day, including the right to accessible polling places." Has a brochure for voters with disabilities.

Florida

ID required: Photo ID requested
Permanent absentee status: Unknown
Curbide assistance: Unknown
Line-jumping: Unknown
Long-term care provision: Yes

277. Telephone Interview with the Office of the Sec’y of State for Del., Elections Div. (Feb. 16, 2016).
278. Id.
279. Id.
284. Id.
Georgia

<table>
<thead>
<tr>
<th>ID required:</th>
<th>Strict photo ID</th>
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<tr>
<td>Permanent absentee status:</td>
<td>No</td>
</tr>
<tr>
<td>Curbside assistance:</td>
<td>By county</td>
</tr>
<tr>
<td>Line-jumping:</td>
<td>Yes</td>
</tr>
<tr>
<td>Long-term care provision:</td>
<td>No</td>
</tr>
<tr>
<td>Link on main voting page:</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Miscellaneous:

Notes that polling places are required to be accessible and that if a polling place is not accessible, and a voter cannot enter it to cast a vote, local election officials must provide the voter with an alternative method of voting; under Georgia law voters with disabilities may use absentee ballots for this purpose.

Hawaii

<table>
<thead>
<tr>
<th>ID required:</th>
<th>Photo ID requested</th>
</tr>
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<tbody>
<tr>
<td>Permanent absentee status:</td>
<td>Yes</td>
</tr>
<tr>
<td>Curbside assistance:</td>
<td>Yes</td>
</tr>
</tbody>
</table>

286. Voters who are in an assisted living facility or a nursing home facility can receive an absentee ballot there, or they may participate in supervised voting if made available per section 101.655 of the Florida Statutes. FLA. STAT. § 101.655 (2015); Accessible Voting for Persons with Disabilities, FLA. DIV. ELECTIONS, http://dos.myflorida.com/elections/for-voters/voting/accessible-voting-for-persons-with-disabilities (last visited June 6, 2016).


289. Telephone Interview with the Office of the Sec’y of State for Ga., Elections Div. (Feb. 16, 2016).

290. Id.


292. Telephone Interview with the Office of the Sec’y of State for Ga., supra note 289.


296. Telephone Interview with the Office of the Sec’y of State for Haw., Elections Div. (Feb. 16, 2016).
Contemporary Voting Rights Controversies Through the Lens of Disability
68 STAN. L. REV. 1491 (2016)

Line-jumping: Yes
Long-term care provision: No
Link on main voting page: Yes
Miscellaneous:

States that "[t]o ensure the security and integrity of election related activities at care facilities, staff members are discouraged from participating directly with a voter in the process of registering and/or voting absentee" and that "[s]taff may assist only upon receiving specific authorization from the resident (voter)." 301

Idaho

ID required: Photo ID requested
Permanent absentee status: No
Curbside assistance: Yes, if arranged in advance
Line-jumping: Yes, by custom
Long-term care provision: Yes, by request of county or voter
Link on main voting page: Yes
Miscellaneous:

Provides print, audio, and captioned video versions of operating instructions for voter assistance terminals. 308

298. Telephone Interview with the Office of the Sec’y of State for Haw., supra note 296.
299. Id.
305. Telephone Interview with the Office of the Sec’y of State for Idaho, supra note 303.
306. Id.
308. Accessible Voting, supra note 304.

1529
Illinois

ID required: No309
Permanent absentee status: Yes310
Curbside assistance: Yes311
Line-jumping: Yes312
Long-term care provision: 90% of LTCs are polling places313
Link on main voting page: No
Miscellaneous:
   Provides voter assistance brochure.314

Indiana

ID required: Strict photo ID315
Permanent absentee status: Unknown
Curbside assistance: No316
Line-jumping: No317
Long-term care provision: No318
Link on main voting page: Yes319
Miscellaneous:
   Has a brochure for voters with disabilities.320 Has a brochure on polling place accessibility.321 Has a brochure on protection and advocacy for voting access (PAVA).322

310. Telephone Interview with the Office of the Sec’y of State for Ill., Elections Div. (Feb. 17, 2016).
311. Id.
312. Id.
313. Id.
316. Telephone Interview with the Office of the Sec’y of State for Ind., Elections Div. (Feb. 17, 2016).
317. Id.
318. Id.
Contemporary Voting Rights Controversies Through the Lens of Disability
68 STAN. L. REV. 1491 (2016)

<table>
<thead>
<tr>
<th>Iowa</th>
<th>Kansas</th>
</tr>
</thead>
<tbody>
<tr>
<td>ID required:</td>
<td>Strict photo ID: only permanent</td>
</tr>
<tr>
<td>Permanent absentee status:</td>
<td>advanced voters exempt</td>
</tr>
<tr>
<td>Curbside assistance:</td>
<td>Yes</td>
</tr>
<tr>
<td>Line-jumping:</td>
<td>No</td>
</tr>
<tr>
<td>Long-term care provision:</td>
<td>No</td>
</tr>
<tr>
<td>Link on main voting page:</td>
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</tr>
<tr>
<td>Miscellaneous:</td>
<td>Provides additional information</td>
</tr>
<tr>
<td></td>
<td>on curbside assistance and poll</td>
</tr>
<tr>
<td></td>
<td>worker training on request.</td>
</tr>
</tbody>
</table>

323. Voter Identification Requirements, supra note 227.
324. Telephone Interview with the Office of the Sec’y of State for Iowa, Elections Div. (Feb. 17, 2016).
326. Telephone Interview with the Office of the Sec’y of State for Iowa, supra note 324.
327. Voters may request an absentee ballot if they live in a designated health care facility or are currently residing in a hospital. Under Iowa law, a bipartisan team of election officials must deliver the absentee ballot to the voter. Absentee Voting at Health Care Facilities, IOWA SECRETARY ST., https://sos.iowa.gov/elections/electioninfo/hcfabsentee.html (last visited June 6, 2016).
331. Id.
Link on main voting page: No

Miscellaneous:

Has a video (with captions) called “Get Ready to Vote in Kansas” that teaches voters with disabilities about election law changes, including photo ID to vote and proof of citizenship to register to vote.\textsuperscript{333} Has a handbook for poll workers that describes requirements for accessibility for people with disabilities and covers voter qualification, accessible parking, curbside voting, entrance and paths, polling area, voting booth, and polling place etiquette.\textsuperscript{334} The handbook and video were created by the Disability Rights Center and funded by the Kansas Secretary of State.\textsuperscript{335} Has a “Guide to Voting Accessibility” brochure.\textsuperscript{336}

Kentucky

<table>
<thead>
<tr>
<th>ID required:</th>
<th>ID requested, but photo not required\textsuperscript{337}</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permanent absentee status:</td>
<td>No\textsuperscript{338}</td>
</tr>
<tr>
<td>Curbside assistance:</td>
<td>No\textsuperscript{339}</td>
</tr>
<tr>
<td>Line-jumping:</td>
<td>No\textsuperscript{340}</td>
</tr>
<tr>
<td>Long-term care provision:</td>
<td>No\textsuperscript{341}</td>
</tr>
<tr>
<td>Link on main voting page:</td>
<td>No</td>
</tr>
</tbody>
</table>

Miscellaneous:

Has “Americans with Disabilities Act Polling Places: Accessibility Surveys.”\textsuperscript{342} The ADA page has a voting information section.\textsuperscript{343}

\textsuperscript{332.} Id.


\textsuperscript{334.} DISABILITY RIGHTS CTR. OF KAN., KANSAS ELECTION OFFICER HANDBOOK FOR DISABILITY ACCESSIBILITY IN VOTING (2012), http://www.kssos.org/elections/12elec/Kansas_Election_Officer_handbook_for_disability_accessibility.pdf.

\textsuperscript{335.} Id. at 41; 35th Anniversary—May 2013, DISABILITY RTS. CTR. KAN., http://www.drckansas.org/publications/drc-newsletter (last visited June 6, 2016).


\textsuperscript{337.} Voter Identification Requirements, supra note 227.

\textsuperscript{338.} Telephone Interview with the Office of the Sec’y of State for Ky., Elections Div. (Feb. 17, 2016).

\textsuperscript{339.} Id.

\textsuperscript{340.} Id.

\textsuperscript{341.} Id.

\textsuperscript{342.} Welcome to the State Board of Elections, KY. ST. BOARD ELECTIONS, http://elect.ky.gov/Pages/default.aspx (last visited June 6, 2016).

Louisiana

ID required: Photo ID requested
Permanent absentee status: Automatic absentee by mail ballot for disabled and senior citizens
Curb side assistance: No
Line-jumping: Yes
Long-term care provision: Yes
Link on main voting page: Yes

Miscellaneous:

Has a “Voting in Louisiana: Additional Voting Information for Disabled, Senior Citizens, and/or Residents of a Nursing or Veterans’ Home” pamphlet. Pamphlet notes that “[s]tate laws allow voters three (3) minutes to vote,” but that if a voter “need[s] assistance in voting or . . . will be using the audio voting keypad, [the voter] will have 20 minutes to vote.”

344. Voter Identification Requirements, supra note 227.

345. Disability Program for Disabled, Senior Citizens & Residents of Nursing or Veterans’ Homes, LA. SECRETARY ST., http://www.sos.la.gov/ElectionsAndVoting/Pages/DisabledElderlyCitizens.aspx (last visited June 6, 2016) (“Louisiana has a new automatic absentee by mail ballot process for the disabled and senior citizens, referred to as the Disability Program. Once an eligible voter applies for the program and the application is accepted by the registrar of voters, an absentee by mail ballot will automatically be sent to the voter for each election.”).

346. Telephone Interview with the Office of the Sec’y of State for La., Elections Div. (Feb. 17, 2016).


348. Disability Program for Disabled, Senior Citizens & Residents of Nursing or Veterans’ Homes, supra note 345 (“The Disability Program also includes an automatic early voting process for residents in nursing or veterans’ homes. Once an eligible resident applies for the program and the application is accepted by the registrar of voters, the registrar will notify the voter and go to the nursing or veterans’ home to allow the resident to vote early for each election. Voting will be conducted either by paper ballot or voting machine. The automatic early voting process will stop when the voter is no longer a resident of the nursing or veterans’ home.”).


351. Id. at 5.
<table>
<thead>
<tr>
<th>State</th>
<th>ID required:</th>
<th>Permanent absentee status:</th>
<th>Curbside assistance:</th>
<th>Line-jumping:</th>
<th>Long-term care provision:</th>
<th>Link on main voting page:</th>
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</thead>
<tbody>
<tr>
<td>Maine</td>
<td>No(^{352})</td>
<td>No(^{353})</td>
<td>Yes(^{354})</td>
<td>No(^{355})</td>
<td>Yes, if six or more beds(^{356})</td>
<td>Yes(^{357})</td>
</tr>
<tr>
<td>Maryland</td>
<td>No(^{358})</td>
<td>No(^{359})</td>
<td>No(^{360})</td>
<td>No, but might be offered a place to sit or a placeholder(^{361})</td>
<td>Yes, if twenty-five or more beds(^{362})</td>
<td>Yes(^{363})</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Miscellaneous:**

Provides that if a voter's polling place is not accessible, the voter can vote in person during early voting at an early voting center and does not have to ask to be assigned to another polling place to vote at an early voting center.\(^{364}\) Provides in the alternative that the voter can complete the "Request for Polling Place Change or Absentee Ballot" and submit it to the local board of elections, which will "do its best to change [the voter's] polling place to one that is accessible."

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353. Telephone Interview with the Office of the Sec’y of State for Me., Elections Div. (Feb. 17, 2016).

354. *Id.*

355. *Id.*

356. *Id.*


360. *Id.*

361. *Id.*

362. The local election board contacts the LTC activities director. *Id.*


though if the polling place cannot be changed, a local election official will notify the voter and send the voter an absentee ballot.\textsuperscript{365}

<table>
<thead>
<tr>
<th>Massachusetts</th>
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<tbody>
<tr>
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<td>Long-term care provision:</td>
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<td>Link on main voting page:</td>
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<tr>
<td>Curbside assistance:</td>
<td>Unknown</td>
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<tr>
<td>Line-jumping:</td>
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<tr>
<td>Long-term care provision:</td>
<td>Unknown</td>
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<tr>
<td>Link on main voting page:</td>
<td>Yes\textsuperscript{373}</td>
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<table>
<thead>
<tr>
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<tbody>
<tr>
<td>No phone number provided for the Elections Division.</td>
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<tbody>
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<tr>
<td>Permanent absentee status:</td>
<td>Yes\textsuperscript{375}</td>
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</tbody>
</table>

\textsuperscript{365.} \textit{Id.}  
\textsuperscript{366.} \textit{Voter Identification Requirements, supra} note 227.  
\textsuperscript{367.} E-mail from Michelle Tassinari, Dir. & Legal Counsel, Elections Div., Mass. Sec’y of State, to author (Feb. 18, 2016, 9:57 AM) (on file with author).  
\textsuperscript{368.} \textit{Id.}  
\textsuperscript{369.} \textit{Id.}  
\textsuperscript{370.} \textit{Id.}  
\textsuperscript{371.} “Voting for Persons with Disabilities” is under “Voter Information,” which is on the main page. \textit{Voter Information, SECRETARY COMMONWEALTH MASS., http://www.sec.state.ma.us/ele/elevoterinfo.htm} (last visited June 6, 2016).  
\textsuperscript{372.} \textit{Voter Identification Requirements, supra} note 227.  
\textsuperscript{373.} “The Rights of Voters with Disabilities” is listed under “Special Topics” on the “Information for Voters” page, and it is a quick link on the main page. \textit{Elections in Michigan, MICH. SECRETARY ST., http://www.michigan.gov/sos/0,4670,7-127-1633---,00.html} (last visited June 6, 2016).  
\textsuperscript{374.} \textit{Voter Identification Requirements, supra} note 227.
Curbside assistance: Yes
Line-jumping: No, but will offer seating
Long-term care provision: Yes
Link on main voting page: Yes

Miscellaneous:
States that voters who need to register on Election Day must provide proof-of-residence. As this can be difficult for voters who live in residential facilities, states that such voters can provide proof-of-residence by asking facility staff to go with them on Election Day to “vouch” for the voter (in which the staff swears that they personally know the voter lives in the facility).

Mississippi
ID required: Strict photo ID; only exemption is religion
Permanent absentee status: Yes
Curbside assistance: No
Line-jumping: No
Long-term care provision: No

375. Telephone Interview with the Office of the Sec’y of State for Minn., Elections Div. (Feb. 16, 2016).
377. Telephone Interview with the Office of the Sec’y of State for Minn., supra note 375.
378. By law, city clerks send teams of election judges (poll workers) to nursing homes and hospitals during the twenty days preceding the election. They will distribute absentee ballots to eligible residents of the facility and provide assistance if needed. I’m in a Nursing Home or Hospital, OFF. MINN. SECRETARY ST., http://www.sos.state.mn.us/elections-voting/register-to-vote/im-in-a-nursing-home-or-hospital (last visited June 6, 2016).
381. Voter Identification Requirements, supra note 227; see also Delbert Hosemann, Miss. Sec’y of State, Mississippi Voter Information Guide (2014), http://www.sos.ms.gov/elections-voting/documents/voterinformationguide.pdf. The religious exemption applies only to those whose religion forbids them to photograph their faces for identification purposes.
382. Telephone Interview with the Office of the Sec’y of State for Miss., Elections Div. (Feb. 17, 2016).
383. Id.
384. Id.
385. Id.
Link on main voting page: No

Miscellaneous:
No information for voters with disabilities on website.

**Missouri**

<table>
<thead>
<tr>
<th>ID required:</th>
<th>ID requested, but photo not required</th>
</tr>
</thead>
<tbody>
<tr>
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</tr>
<tr>
<td>Curbside assistance:</td>
<td>Yes</td>
</tr>
<tr>
<td>Line-jumping:</td>
<td>Yes</td>
</tr>
<tr>
<td>Long-term care provision:</td>
<td>Yes</td>
</tr>
<tr>
<td>Link on main voting page:</td>
<td>Yes</td>
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</table>

**Montana**

<table>
<thead>
<tr>
<th>ID required:</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Permanent absentee status:</td>
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<tr>
<td>Curbside assistance:</td>
<td>Yes</td>
</tr>
<tr>
<td>Line-jumping:</td>
<td>No</td>
</tr>
<tr>
<td>Long-term care provision:</td>
<td>By county</td>
</tr>
<tr>
<td>Link on main voting page:</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Miscellaneous:
Provides that beginning October 1, 2015, voters may apply for an electronic ballot that can be marked on a personal computer, printed, and returned to the election.

389. Telephone Interview with the Office of the Sec’y of State for Mo., supra note 387.
390. Id.
391. Id.
392. Id.
393. Id.
394. Id.
395. Id.
396. Id.
office.398 Makes the “Voter Information Pamphlet” published by the Secretary of State for each state general election available in Braille and audio formats.399

<table>
<thead>
<tr>
<th>Nebraska</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>ID required:</td>
<td>No400</td>
</tr>
<tr>
<td>Permanent absentee status:</td>
<td>No401</td>
</tr>
<tr>
<td>Curbside assistance:</td>
<td>Yes402</td>
</tr>
<tr>
<td>Line-jumping:</td>
<td>Yes403</td>
</tr>
<tr>
<td>Long-term care provision:</td>
<td>No404</td>
</tr>
<tr>
<td>Link on main voting page:</td>
<td>Yes405</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Nevada</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>ID required:</td>
<td>No406</td>
</tr>
<tr>
<td>Permanent absentee status:</td>
<td>No407</td>
</tr>
<tr>
<td>Curbside assistance:</td>
<td>By county408</td>
</tr>
<tr>
<td>Line-jumping:</td>
<td>By county409</td>
</tr>
<tr>
<td>Long-term care provision:</td>
<td>Yes410</td>
</tr>
<tr>
<td>Link on main voting page:</td>
<td>Yes411</td>
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</table>

399. Id.
400. Voter Identification Requirements, supra note 227.
403. Telephone Interview with the Office of the Sec’y of State for Neb., supra note 401.
404. Id.
409. Id.
410. Id.
## Contemporary Voting Rights Controversies Through the Lens of Disability

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### New Hampshire

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>ID required:</td>
<td>ID required, but photo not required(^{412})</td>
</tr>
<tr>
<td>Permanent absentee status:</td>
<td>Unknown</td>
</tr>
<tr>
<td>Curbside assistance:</td>
<td>Unknown</td>
</tr>
<tr>
<td>Line-jumping:</td>
<td>Unknown</td>
</tr>
<tr>
<td>Long-term care provision:</td>
<td>Unknown</td>
</tr>
<tr>
<td>Link on main voting page:</td>
<td>Yes(^{413})</td>
</tr>
<tr>
<td>Miscellaneous:</td>
<td>Says that new information is coming.(^{414})</td>
</tr>
</tbody>
</table>

### New Jersey

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>ID required:</td>
<td>No(^{415})</td>
</tr>
<tr>
<td>Permanent absentee status:</td>
<td>Yes(^{416})</td>
</tr>
<tr>
<td>Curbside assistance:</td>
<td>No(^{417})</td>
</tr>
<tr>
<td>Line-jumping:</td>
<td>No(^{418})</td>
</tr>
<tr>
<td>Long-term care provision:</td>
<td>No(^{419})</td>
</tr>
<tr>
<td>Link on main voting page:</td>
<td>No</td>
</tr>
<tr>
<td>Miscellaneous:</td>
<td>States that &quot;[w]ith the passage of the 'Help America Vote Act of 2002' states are required to actively integrate [sic] persons with disabilities into the electoral process. To assist State Board of Elections in this process, The United Spinal Association, a national veterans service and disability rights organization, has produced the booklet titled <em>Disability Etiquette</em>. This booklet was designed to help its readers in becoming more aware of what is appropriate conduct when interacting with a person with a disability.&quot;(^{420}) Also provides a &quot;Voter Report Form for Polling Place Accessibility Concerns,&quot; which voters can use to...</td>
</tr>
</tbody>
</table>

---

\(^{412}\) Voter Identification Requirements, *supra* note 227.


\(^{415}\) Voter Identification Requirements, *supra* note 227.

\(^{416}\) Telephone Interview with the Office of the Sec’y of State for N.J., Elections Div. (Feb. 16, 2016).

\(^{417}\) Id.

\(^{418}\) Id.

\(^{419}\) Id.

electronically submit detailed descriptions of any difficulties they might have experienced while voting, accessing their polling location, or both.421

<table>
<thead>
<tr>
<th>New Mexico</th>
<th></th>
<th></th>
<th></th>
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<tbody>
<tr>
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<td>Permanent absentee status:</td>
<td>No423</td>
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<tr>
<td>Curbside assistance:</td>
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<td></td>
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<tr>
<td>Line-jumping:</td>
<td>No425</td>
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<tr>
<td>Long-term care provision:</td>
<td>No426</td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Link on main voting page:</td>
<td>Yes427</td>
<td></td>
<td></td>
<td></td>
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</tr>
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</table>

<table>
<thead>
<tr>
<th>New York</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>ID required:</td>
<td>No428</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Permanent absentee status:</td>
<td>Yes429</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Curbside assistance:</td>
<td>No430</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Line-jumping:</td>
<td>No431</td>
<td></td>
<td></td>
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<tr>
<td>Long-term care provision:</td>
<td>No432</td>
<td></td>
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<tr>
<td>Link on main voting page:</td>
<td>Yes433</td>
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</table>

423. Telephone Interview with the Office of the Sec’y of State for N.M., Elections Div. (Feb. 17, 2016).
424. Id.
425. Id.
426. Id.
430. Telephone Interview with the Office of the Sec’y of State for N.Y., Elections Div. (Feb. 17, 2016).
431. Id.
432. Id.
### North Carolina

<table>
<thead>
<tr>
<th>Feature</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>ID required:</td>
<td>Photo ID requested; curbside voters exempted[^34]</td>
</tr>
<tr>
<td>Permanent absentee status:</td>
<td>Yes[^35]</td>
</tr>
<tr>
<td>Curbside assistance:</td>
<td>Yes[^36]</td>
</tr>
<tr>
<td>Line-jumping:</td>
<td>No[^37]</td>
</tr>
<tr>
<td>Long-term care provision:</td>
<td>Yes[^38]</td>
</tr>
<tr>
<td>Link on main voting page:</td>
<td>Yes[^39]</td>
</tr>
</tbody>
</table>

### North Dakota

<table>
<thead>
<tr>
<th>Feature</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>ID required:</td>
<td>Strict photo ID[^40]</td>
</tr>
<tr>
<td>Permanent absentee status:</td>
<td>Unknown</td>
</tr>
<tr>
<td>Curbside assistance:</td>
<td>Unknown</td>
</tr>
<tr>
<td>Line-jumping:</td>
<td>Unknown</td>
</tr>
<tr>
<td>Long-term care provision:</td>
<td>Unknown</td>
</tr>
<tr>
<td>Link on main voting page:</td>
<td>No</td>
</tr>
<tr>
<td>Miscellaneous:</td>
<td>No information for voters with disabilities on website.</td>
</tr>
</tbody>
</table>

### Ohio

<table>
<thead>
<tr>
<th>Feature</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>ID required:</td>
<td>Strict ID, but photo not required[^41]</td>
</tr>
<tr>
<td>Permanent absentee status:</td>
<td>Unknown</td>
</tr>
<tr>
<td>Curbside assistance:</td>
<td>Yes[^42]</td>
</tr>
<tr>
<td>Line-jumping:</td>
<td>No[^43]</td>
</tr>
<tr>
<td>Long-term care provision:</td>
<td>Yes[^44]</td>
</tr>
</tbody>
</table>

[^35]: Telephone Interview with the Office of the Sec’y of State for N.C., Elections Div. (Feb. 17, 2016).
[^36]: Id.
[^37]: Id.
[^38]: Id.
[^40]: Voter Identification Requirements, supra note 227.
[^41]: Id.
[^43]: Telephone Interview with the Office of the Sec’y of State for Ohio, Elections Div. (Feb. 17, 2016).
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Link on main voting page: Yes

Miscellaneous:

Provides that “[i]f you are unable to sign your own name and have no other legal mark, make an ‘X,’ if possible, on the application signature line. The person who witnessed you making that mark must write his or her name beneath the signature line. If you are unable to make an ‘X,’ you must indicate in some manner to the person assisting you that you want to register to vote. The person registering you must sign the application form and attest that you indicated that you want to register to vote.”

Oklahoma

ID required: ID requested, but photo not required
Permanent absentee status: No
Curbside assistance: Yes
Line-jumping: No
Long-term care provision: May vote by absentee ballot
Link on main voting page: Yes

Miscellaneous:

Has a TDD number (a telecommunications device for the deaf, which allows for text over a phone line).

444. Id.
446. Frequently Asked Questions, supra note 442.
448. Telephone Interview with the Office of the Sec’y of State for Okla., Elections Div. (Feb. 16, 2016).
450. Telephone Interview with the Office of the Sec’y of State for Okla., supra note 448.
451. Absentee Voting in Oklahoma, Okla. State Election Bd., https://www.ok.gov/elections /Voter_Info/Absentee_Voting (last visited June 6, 2016) (“Voters in nursing homes in the same county where they are registered voters may vote absentee. They may submit their applications only by mail or fax, or telegraph. An Absentee Voting Board will go to the nursing home a few days before the election to allow these voters to cast their ballots.”).
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### Oregon

<table>
<thead>
<tr>
<th>ID required</th>
<th>No 454</th>
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</thead>
<tbody>
<tr>
<td>Permanent absentee status</td>
<td>N/A</td>
</tr>
<tr>
<td>Curbside assistance</td>
<td>N/A</td>
</tr>
<tr>
<td>Line-jumping</td>
<td>N/A</td>
</tr>
<tr>
<td>Long-term care provision</td>
<td>Yes 455</td>
</tr>
<tr>
<td>Link on main voting page</td>
<td>No</td>
</tr>
</tbody>
</table>

**Miscellaneous:**

All voting by mail. 456 Has voting instructions for voters with a disability. 457 Provides voters with disabilities with two options: (1) use a screen reader and other technology to access a ballot at home, which voters with no or limited vision can use to have their ballots and the Voters’ Pamphlets read to them (this option requires printing, signing, and returning the ballot); or (2) call any county elections office and ask for assistance, which includes, on request, election workers bringing an electronic tablet that can accommodate multiple disabilities and a portable printer to the voter’s home to assist with voting. 458

### Pennsylvania

<table>
<thead>
<tr>
<th>ID required</th>
<th>Strict voter ID statute struck down by state supreme court 459</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permanent absentee status</td>
<td>Yes 460</td>
</tr>
<tr>
<td>Curbside assistance</td>
<td>By county 461</td>
</tr>
<tr>
<td>Line-jumping</td>
<td>By county 462</td>
</tr>
<tr>
<td>Long-term care provision</td>
<td>By county 463</td>
</tr>
<tr>
<td>Link on main voting page</td>
<td>Yes 464</td>
</tr>
</tbody>
</table>


460. Telephone Interview with the Office of the Sec’y of State for Pa., Elections Div. (Feb. 16, 2016).

461. Id.

462. Id.

463. Id.
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Miscellaneous:

Notes that “[i]n some cases, a polling place may not be easily accessible for those with disabilities.”465 States that “[a]pplications for alternative ballot must be submitted to [the] County Board of Elections no later than 5 p.m. on the Tuesday before Election Day.”466

Rhode Island

<table>
<thead>
<tr>
<th>ID required:</th>
<th>Photo ID requested</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permanent absentee status:</td>
<td>Yes</td>
</tr>
<tr>
<td>Curb side assistance:</td>
<td>Yes</td>
</tr>
<tr>
<td>Line-jumping:</td>
<td>Yes</td>
</tr>
<tr>
<td>Long-term care provision:</td>
<td>Yes</td>
</tr>
<tr>
<td>Link on main voting page:</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Miscellaneous:

Gives out free voter IDs at disability-related facilities.473 Coordinates with Rhode Island Disability Law Center.474 Performs demonstrations of voter technology throughout the state.475 Provides that any voter who is blind or visually impaired is eligible to request a Braille or tactile mail ballot, which the voter must do forty-five days before an election from their local board of canvassers.476 State law mandates that polling places should be accessible; if an assigned polling place is

464. The main page has as a drop-down feature of “I Am,” and a “Citizen with a Disability” is the first option. VOTESPA, http://www.votespa.com/portal/server.pt/community/home/13514 (last visited June 6, 2016).
467. Voter Identification Requirements, supra note 227.
469. Telephone Interview with the Office of the Sec’y of State for R.I., Elections Div. (Feb. 17, 2016).
470. Id.
471. Vote by Mail, R.I. DEP’T ST., http://sos.ri.gov/divisions/elections/Voters/vote-by-mail (last visited June 6, 2016) (“Anyone applying for a mail ballot from a nursing home, convalescent home, or similar institution will have their ballot delivered by a bipartisan pair of supervisors appointed by the State Board of Elections. The bipartisan pair will provide assistance as needed and serve as witnesses for the voter.”).
473. Telephone Interview with the Office of the Sec’y of State for R.I., supra note 469.
474. Id.
475. Id.
476. Id.
not accessible, the local board of canvassers must provide an alternative means for voters to cast their ballots on Election Day.\textsuperscript{477}

\begin{center}
\textbf{South Carolina}
\end{center}

<table>
<thead>
<tr>
<th>ID required</th>
<th>ID requested, but photo not required\textsuperscript{478}</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permanent absentee status:</td>
<td>No\textsuperscript{479}</td>
</tr>
<tr>
<td>Curbside assistance:</td>
<td>Yes\textsuperscript{480}</td>
</tr>
<tr>
<td>Line-jumping:</td>
<td>No\textsuperscript{481}</td>
</tr>
<tr>
<td>Long-term care provision:</td>
<td>No\textsuperscript{482}</td>
</tr>
<tr>
<td>Link on main voting page:</td>
<td>Yes\textsuperscript{483}</td>
</tr>
</tbody>
</table>

Miscellaneous:
- Has videos on polling place accessibility and on the voting process for people who are deaf or hard of hearing.\textsuperscript{484}  
- Has section for voters who are deaf or hard of hearing.\textsuperscript{485}  
- Has large-print voter registration application.\textsuperscript{486}

\begin{center}
\textbf{South Dakota}
\end{center}

<table>
<thead>
<tr>
<th>ID required</th>
<th>Photo ID requested\textsuperscript{487}</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permanent absentee status:</td>
<td>No\textsuperscript{488}</td>
</tr>
<tr>
<td>Curbside assistance:</td>
<td>No\textsuperscript{489}</td>
</tr>
<tr>
<td>Line-jumping:</td>
<td>No\textsuperscript{490}</td>
</tr>
<tr>
<td>Long-term care provision:</td>
<td>No\textsuperscript{491}</td>
</tr>
<tr>
<td>Link on main voting page:</td>
<td>Yes\textsuperscript{492}</td>
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</table>

\textsuperscript{477.} Id.
\textsuperscript{478.} Voter Identification Requirements, supra note 227.
\textsuperscript{479.} Telephone Interview with the Office of the Sec’y of State for S.C., Elections Div. (Feb. 16, 2016).
\textsuperscript{481.} Telephone Interview with the Office of the Sec’y of State for S.C., supra note 479.
\textsuperscript{482.} Id.
\textsuperscript{484.} Voters with Disabilities, supra note 480.
\textsuperscript{485.} Id.
\textsuperscript{486.} Id.
\textsuperscript{487.} Voter Identification Requirements, supra note 227.
\textsuperscript{488.} Telephone Interview with the Office of the Sec’y of State for S.D., Elections Div. (Feb. 16, 2016).
\textsuperscript{489.} Id.
\textsuperscript{490.} Id.
\textsuperscript{491.} Id.
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Miscellaneous:
Has a link to a brochure by the U.S. Election Assistance Commission with ten tips
for voters with disabilities.493

Tennessee
ID required: Strict photo ID494
Permanent absentee status: Yes495
Curbside assistance: No496
Line-jumping: Yes497
Long-term care provision: Yes; mandatory for licensed LTCs498
Link on main voting page: No

Texas
ID required: Strict photo ID499
Permanent absentee status: No500
Curbside assistance: Yes501
Line-jumping: Unknown
Long-term care provision: Unknown
Link on main voting page: Yes502

Miscellaneous:
"[B]ecame the first state to require that all new voting systems be accessible to
voters with disabilities and provide a practical and effective means for voters
with disabilities to cast a secret ballot" on September 1, 1999.503

492. "Polling Place Accessibility" is under "Voting," which is on the main "Elections &
elections-voting/voting/default.aspx (last visited June 6, 2016).
493. Polling Place Accessibility, S.D. SECRETARY St., https://sdsos.gov/elections
494. Voter Identification Requirements, supra note 227.
495. Telephone Interview with the Office of the Sec’y of State for Tenn., Elections Div.
(Feb. 16, 2016).
496. Id.
497. Id.
498. Id.
500. See When, VOTE TEXAS, http://www.votetexas.gov/voting/when/#helpful-hints-on
-voting-early-by-mail (last visited June 6, 2016) (providing that elderly voters and
voters with disabilities can submit annual applications to vote by mail).
-needs (last visited June 6, 2016).
<table>
<thead>
<tr>
<th>State</th>
<th>ID required:</th>
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<th>Curbside assistance:</th>
<th>Line-jumping:</th>
<th>Long-term care provision:</th>
<th>Link on main voting page:</th>
<th>Miscellaneous:</th>
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<tbody>
<tr>
<td>Utah</td>
<td>ID requested, but photo not required⁵⁰⁴</td>
<td>Yes⁵⁰⁵</td>
<td>By county⁵⁰⁶</td>
<td>By county⁵⁰⁷</td>
<td>By county⁵⁰⁸</td>
<td>No</td>
<td>Has no information for voters with disabilities on website. Has a video under “Pollworker Training” on assisting voters with disabilities.⁵⁰⁹</td>
</tr>
<tr>
<td>Vermont</td>
<td>No⁵¹⁰</td>
<td>No⁵¹¹</td>
<td>Yes⁵¹²</td>
<td>Unknown</td>
<td>Unknown</td>
<td>Yes⁵¹³</td>
<td>Has a “Voter’s Guide for People with Disabilities” that has not been updated since 2012.⁵¹⁴ Has a “Disability Etiquette—A Guide to Respectful Communication” brochure.⁵¹⁵ Has a vote-by-phone system that voters can try out in advance.⁵¹⁶</td>
</tr>
</tbody>
</table>


⁵⁰⁴. Voter Identification Requirements, supra note 227.

⁵⁰⁵. Telephone Interview with the Office of the Sec’y of State for Utah, Elections Div. (Feb. 17, 2016).

⁵⁰⁶. Id.

⁵⁰⁷. Id.

⁵⁰⁸. Id.


⁵¹⁰. Voter Identification Requirements, supra note 227.


Virginia

ID required: Strict photo ID
Permanent absentee status: No
Curbside assistance: Yes
Line-jumping: No
Long-term care provision: No
Link on main voting page: Yes

Washington

ID required: ID requested, but photo not required
Permanent absentee status: N/A
Curbside assistance: N/A
Line-jumping: N/A
Long-term care provision: By county
Link on main voting page: Yes

Miscellaneous:
All voting by mail. Makes accessible formats of the voters' pamphlet available online. Has disability advisory committees by county.

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516. Accessibility, supra note 512.
517. Voter Identification Requirements, supra note 227.
519. Id.
520. Telephone Interview with the Office of the Sec’y of State for Va., Elections Div. (Feb. 16, 2016).
521. Id.
West Virginia

<table>
<thead>
<tr>
<th>ID required:</th>
<th>No\textsuperscript{529}</th>
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</thead>
<tbody>
<tr>
<td>Permanent absentee status:</td>
<td>Yes\textsuperscript{530}</td>
</tr>
<tr>
<td>Curb side assistance:</td>
<td>Yes\textsuperscript{531}</td>
</tr>
<tr>
<td>Line-jumping:</td>
<td>Unknown</td>
</tr>
<tr>
<td>Long-term care provision:</td>
<td>No\textsuperscript{532}</td>
</tr>
<tr>
<td>Link on main voting page:</td>
<td>Yes\textsuperscript{533}</td>
</tr>
</tbody>
</table>

Miscellaneous:

- Provides that “[a]ny voter who requests assistance in voting but who is believed not to be qualified for assistance shall, nevertheless, be permitted to vote a provisional ballot with the assistance of any person herein authorized to give [it]”\textsuperscript{534} Has a “Voters with Disabilities Flyer.”\textsuperscript{535}

Wisconsin

<table>
<thead>
<tr>
<th>ID required:</th>
<th>Strict photo ID\textsuperscript{536}</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permanent absentee status:</td>
<td>Yes\textsuperscript{537}</td>
</tr>
<tr>
<td>Curb side assistance:</td>
<td>Yes\textsuperscript{538}</td>
</tr>
<tr>
<td>Line-jumping:</td>
<td>No\textsuperscript{539}</td>
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\textsuperscript{529.} Voter Identification Requirements, supra note 227.


\textsuperscript{531.} Voters may “vote from an automobile outside the polling place or precinct by the absentee balloting method if . . . the polling place is not accessible and no voters are voting or waiting to vote inside the polling place.” Voters with Disabilities, W. VA. SECRETARY ST., http://www.sos.wv.gov/elections/Vote/Pages/Voters_Disabilities.aspx (last visited June 6, 2016).

\textsuperscript{532.} Telephone Interview with the Office of the Sec’y of State for W. Va., Elections Div. (Feb. 17, 2016).


\textsuperscript{534.} Voters with Disabilities, supra note 531.

\textsuperscript{535.} W. Va. Sec’y of State, supra note 530.

\textsuperscript{536.} Voter Identification Requirements, supra note 227.


\textsuperscript{538.} Id.
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Long-term care provision: Yes\textsuperscript{540}
Link on main voting page: Yes\textsuperscript{541}

Wyoming

<table>
<thead>
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<th>ID required:</th>
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<td>Long-term care provision:</td>
<td>By county\textsuperscript{546}</td>
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<td>Link on main voting page:</td>
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Miscellaneous:
No information for voters with disabilities on website.

539. Telephone Interview with the Office of the Sec’y of State for Wis., Elections Div. (Feb. 17, 2016).
540. Yes, per five registered voters and one absentee voter request at the LTC. Id.

Municipal clerks appoint Special Voting Deputies to conduct in-person absentee voting at nursing homes prior to Election Day. The date and time of the voting will be posted at the nursing home. Special Voting Deputies may also be appointed to conduct in-person absentee voting at other care facilities, including community-based resident facilities, retirement homes, residential care apartment complexes, and adult family homes licensed or certified by the state.

Information about Voting, supra note 537.

541. “I’m a Voter with a Disability” is under “Information About Voting,” which is under “Regular Voter” on the main page. Information about Voting, supra note 537.
543. Telephone Interview with the Office of the Sec’y of State for Wyo., Elections Div. (Feb. 17, 2016).
544. Id.
545. Id.
546. Id.