



National Coalition on Accessible Voting's Voter Access Guide Chapter 1: About the Guide

A guide for election administrators to making voting accessible for people with disabilities

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The National Coalition on Accessible Voting is a coalition that maintains and expands voting access for people with disabilities.

Chapter 1

About the

Voter Access Guide

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Welcome to the National Coalition on Accessible Voting (NCAV)¹'s Voter Access Guide!

We wrote the Guide to help election administrators make voting accessible. The Guide provides information, recommendations, and checklists on accessibility for every stage of the voting process, from registering and gathering information on voting to casting a ballot. The Guide identifies barriers to accessibility in advance, allowing you to address them early in your planning process.

We provide links to the best free resources available for each topic. Use the resources provided in the Guide as starting points for further research.

The Guide was written by Kelly Israel, coordinator of the National Coalition on Accessible Voting (NCAV). Edits were made by members of the NCAV and election administrators. We hope that the Guide helps you develop fair, accessible elections with improved turnout from voters with disabilities.

The Guide refers to “expanding” or “improving” accessibility rather than “making voting accessible.” We (and many election officials) strive for full accessibility for all people with disabilities, but full accessibility is an always-moving, evolving target. Polling places may change. Voting equipment may need to be updated. Election administrators and state laws and regulations may change.

Disclaimers

The Guide does not cover every issue. It is a general overview of expanding voting accessibility. We encourage election administrators to do more research on all topics.

This Guide brings voting accessibility resources together in one place for easy access. We link to or cite resources we used to develop the Guide.

Conformance to any recommendations or use of any resources contained within or suggested by this Guide is not intended to act as a standard for compliance with federal or state law.

The recommendations in this Guide do not constitute legal advice or advice on how to comply with any federal or state law or policy, including the Help America Vote Act (HAVA),² the Voting Rights Act (VRA),³ the National Voter Registration Act (NVRA),⁴ Section 504 of the Rehabilitation Act of

¹ The National Coalition on Accessible Voting (NCAV) maintains and expands voting access for people with disabilities.

² Help America Vote Act, 52 U.S.C. §§ 20901–21145 (2022).

³ Voting Rights Act of 1965, 52 U.S.C. § 10101; 52 U.S.C. §§ 10301–10314; 52 U.S.C. §§ 10501–10508; 52 U.S.C. §§ 10701–10702 (2022).

⁴ National Voter Registration Act of 1993, 52 U.S.C. §§ 20501–20511 (2022).

1973,⁵ Section 508 of the Rehabilitation Act of 1973,⁶ the Americans with Disabilities Act (ADA),⁷ and the Voting Accessibility for the Elderly and Handicapped Act of 1984 (VAEHA).⁸

The Guide does not constitute advice on how to implement the President’s Executive Order on Promoting Access to Voting (March 7, 2021)⁹ or any other Executive Order or policy of any federal agency. Each department, office, agency, organization, entity, or individual must make their own independent determination on compliance with any and all applicable laws, including those discussed in this Guide.

⁵ Rehabilitation Act of 1973, 29 U.S.C. § 701 *et seq.* (2022).

⁶ *Id.*

⁷ 42 U.S.C. § 12101 *et seq.* (2022).

⁸ Voting Accessibility for the Elderly and Handicapped Act of 1984, 52 §§ 20101-20107 (2022).

⁹ President’s Executive Order on Promoting Access to Voting, Exec. Order No.14019, 86 Fed. Reg. 13623 (Mar. 7, 2021), <https://www.govinfo.gov/content/pkg/FR-2021-03-10/pdf/2021-05087.pdf>.

Federal regulations and guidance on voting and accessibility

Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973

All state and local election offices are covered by Title II of the Americans with Disabilities Act of 1990. Their “services, programs, or activities” cannot discriminate against people with disabilities.¹⁰ Section 504 requires agencies that receive federal funding to not discriminate against people with disabilities.¹¹ Section 504 provides voters with similar rights to those provided by the ADA.

The U.S. Code is available through the U.S. Government Publishing Office (GPO)’s GovInfo website at: <https://www.govinfo.gov/app/collection/USCODE>. The ADA is in Title 42, Chapter 126 of the U.S. Code. Section 504 is in Title 29, Chapter 16, Subchapter V of the U.S. Code.

Both the ADA and Section 504 have regulations. ADA regulations for Titles II and III are available at: <https://www.ada.gov/law-and-regs/regulations/>. Many agencies have Section 504 regulations pertaining to their specific jurisdiction area. Election agencies should look to the Section 504 regulations issued by the federal agency that is funding the state or local government’s activities, or the U.S. Department of Justice (DOJ), for specific guidance.

- The ADA’s 2010 ADA Standards for Accessible Design describe requirements for physically accessible buildings. They are available at: <https://www.ada.gov/law-and-regs/design-standards/>.
- The U.S. Department of Justice (DOJ) provides resources and guidance on voting, including a checklist on polling place accessibility, at <https://www.justice.gov/voting/accessibility-voting>.
- The U.S. Access Board’s Guide to the ADA Accessibility Standards is an excellent resource for physical accessibility. It is available at: <https://www.access-board.gov/ada/guides/chapter-1-using-the-ada-standards/>.
- The ADA National Network is an excellent general ADA resource: <https://adata.org/>.
- The Department of Justice released [final regulations on web accessibility](#) for Title II of the Americans with Disabilities Act in April 2024. This rule will require covered agencies to adhere to at least the Web Content Accessibility Guidelines (WCAG) 2.1.
- The Department of Justice updated its guidance on [voting rights and disability](#) in April 2024. The new guidance clarifies people with disabilities’ voting rights, including their right to

¹⁰ 42 U.S.C. § 12132 (2022).

¹¹ 29 U.S.C. § 794 (2022).

assistance and right to be free of categorical disqualification from voting because of their disabilities or guardianship status.

Section 508 of the Rehabilitation Act of 1973

Section 508 of the Rehabilitation Act of 1973 covers electronic and information technology accessibility. Federal agencies and agencies that receive federal funds must comply with Section 508. [Section 508.gov](#) provides covered agencies with detailed information and guidance.

Help America Vote Act (HAVA)

HAVA, passed in 2002, provides many protections to voters with disabilities. Voters with disabilities must have the “same opportunity for access and participation (including privacy and independence) as for other voters.”¹² HAVA resources can be found at:

https://www.eac.gov/about/help_america_vote_act.aspx.

EAC Resources

The Election Assistance Commission (EAC) serves as a “national clearinghouse” of information on elections and election administration.¹³ The EAC has a list of accessibility resources for election officials, including a webinar series, at <https://www.eac.gov/voting-accessibility>.

National Voter Registration Act Of 1993 (NVRA)

The NVRA requires Departments of Motor Vehicles (DMVs) to offer voter registration. Public assistance offices and offices that primarily serve people with disabilities must do the same.¹⁴ The NVRA is often called the “motor voter” law. The Department of Justice has a question-and-answer sheet on the NVRA at <https://www.justice.gov/crt/national-voter-registration-act-1993-nvra>.

Voting Accessibility for the Elderly and Handicapped Act of 1984 (VAEHA)

VAEHA requires that polling places and voter registration be accessible to elderly people and people with disabilities.¹⁵ The Department of Justice enforces this law and can be consulted on compliance.

¹² 42 U.S.C. § 15481(a)(3)(A); Bazelon Center for Mental Health Law, Autistic Self Advocacy Network, National Disability Rights Network, Schulte Roth & Zabel LLP, and Akin Gump Strauss Hauer & Feld LLP, A Guide to the Voting Rights of People With Mental Disabilities 10-11 (2020) [hereinafter “Bazelon Mental Disabilities Voting Rights Guide”].

¹³ *About the EAC*, U.S. Election Assistance Commission, <https://www.eac.gov/about> (last visited Mar. 1, 2024).

¹⁴ U.S. Dept. Justice Civ. Rts. Div., *The National Voter Registration Act Of 1993 (NVRA)*, <https://www.justice.gov/crt/national-voter-registration-act-1993-nvra> (last updated Jul. 20, 2022).

¹⁵ 52 U.S.C. § 20102, 20104 (2022).

Terminology

These are some terms we use in the guide to refer to people with disabilities or who work in elections.

- **“Election officials”** and **“election administrators”** are interchangeably used to refer to state, county, and local personnel who manage and oversee federal, state, and local elections. They are the main audience for this Guide; we refer to them as “you” throughout.
- **“Poll workers”** refers to election workers who help people vote, as well as manage and run polling places and voting centers.
- **“Autistic people”** refers to people on the autism spectrum.
- **“Blind people, people with low-vision, and people with vision-related disabilities”** refers to vision-related disabilities.
- **“Deaf, DeafBlind, DeafDisabled, Hard of Hearing, Late-Deafened, and people with hearing disabilities”** refers to people with hearing disabilities.
- **“People with cognitive disabilities”** refers to people with disabilities that affect the mind who do not have a developmental disability and do not have a psychiatric or mental health disability.
- **“People with intellectual and developmental disabilities”** refers to people with IDD. According to the National Institutes of Health’s Eunice Kennedy Shriver Institute of Child Health and Human Development, intellectual and developmental disabilities (IDDs) are disabilities that are “usually present at birth and that uniquely affect the trajectory of the individual’s physical, intellectual, and/or emotional development. Many of these conditions affect multiple body parts or systems.” Some examples of IDDs are autism, cerebral palsy, Down syndrome, fetal alcohol syndrome, intellectual disability, and spina bifida.
- “People with psychiatric or mental health disabilities” refers to people with these disabilities.
- **“People with print disabilities”** refers to people whose disabilities make it hard or impossible for them to access or handle printed paper and text.¹⁶

¹⁶ Nat’l Disability Rts. Network and Am. Assoc. People with Disabilities, Making Voting Accessible to Voters with Print Disabilities 2 (Jul. 24, 2021), <https://www.aapd.com/wp-content/uploads/2023/06/Making-Voting-Accessible-to-Voters-with-Print-Disabilities-1.pdf>.

List of NCAV Member Disability Rights Advocacy Organizations

International Cross Disability

- [World Institute on Disability](#)

National Cross Disability

- [American Association of People with Disabilities](#)
- [National Association of Statewide Independent Living Councils \(NASILC\)](#)
- [Association of Assistive Technology Act Programs \(ATAP\)](#)
- [Association of Programs for Rural Independent Living \(APRIL\)](#)
- [Association of University Centers on Disabilities](#)
- [Disability Rights Education and Defense Fund \(DREDF\)](#)
- [National Council on Independent Living](#)
- [National Disability Rights Network](#)
- [RespectAbility](#)

Regional Cross Disability

- [Center for Living and Working](#)
- [Independent Living Center of the Hudson Valley](#)
- [New Disabled South](#) (disability advocacy in Southern states)

Blindness and Low Vision

- [American Council of the Blind](#)
- [National Federation of the Blind](#)

Deaf, DeafBlind, DeafDisabled, Hard of Hearing, Late-Deafened, and People with Hearing Disabilities

- [National Association of the Deaf \(NAD\)](#)

Mental Health/Psychiatric Disabilities

- [Bazelon Center for Mental Health Law](#)

Physical Disabilities

- [Paralyzed Veterans of America](#)
- [United Spinal Association](#)

Autism

- [Autistic Self Advocacy Network](#)
- [Autism Society of America](#)

Intellectual and Developmental Disability

- [National Association of Councils on Developmental Disabilities \(NACDD\)](#)
- [Self Advocates Becoming Empowered \(SABE\)](#)
- [The Arc](#) of the United States

Natural Disasters and Disability

- [The Partnership for Inclusive Disaster Strategies](#)