

# Voting Rights and Accessible Elections

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# Agenda

Disability Law Colorado

The Law

Your Rights

Registration

Voting

- Identification Requirements

- Accessible Machines and Polling Centers

Complaints

# Disability Law Colorado

- ▶ Protects and promotes the rights of people with disabilities:
- ▶ Legal Representation
- ▶ Advocacy
- ▶ Investigation
- ▶ Education

# Election Laws that Protect People with Disabilities

- ▶ Voting Rights Act 1965
- ▶ Voting Accessibility for the Elderly and Handicapped Act 1984
- ▶ Americans with Disabilities Act 1990
- ▶ National Voter Registration Act 1993
- ▶ Help America Vote Act (“HAVA”) 2002
- ▶ Colorado’s Election Law 2013 Title 1 C.R.S.

# Voting Rights Act 1965

- ▶ Governs federal election procedures
- ▶ Requires that any standard or test for determining whether someone is qualified to vote is applied to all voters equally
- ▶ Guarantees the right of a person with a disability to have voting assistance from a person of their own choosing

# Voting Accessibility for the Elderly and [Disability] Act 1984

- ▶ Enacted to make elections accessible to individuals with disabilities and people who are over 64
- ▶ Requires polling places to be physically accessible, if no accessible location is available, then voter can vote by absentee ballot without having to provide photo ID

# Americans with Disabilities Act 1990 (“ADA”)

- ▶ Title II of the ADA requires that all public entities make “reasonable modifications to rules, policies, or practices” to ensure nondiscrimination in state and local government programs, services and activities.
- ▶ The ADA applies to both state and federal elections

# National Voter Registration Act 1993

- ▶ Requires states to designate certain agencies to assist with the registration of voters, including, “all offices in the state that provide state-funded programs primarily engaged in providing services to persons with disabilities.”
- ▶ Addresses concerns of under-representation



# Help America Vote Act ("HAVA") 2002

- ▶ Passed in 2002 in response to the 2000 Presidential Election
- ▶ Established the Protection and Advocacy for Voter Access Programs ("PAVA")
- ▶ Addresses barriers that voters with disabilities face in elections:
  - ▶ Physical - inaccessible polling places and voting equipment
  - ▶ Discriminatory Policies - ensuring independent and private voting experience

# Colorado's Elections Law Title I

- ▶ Each voting and service polling center (“VSPC”) must have an accessible voting machine
- ▶ All VSPC’s must be physically accessible under ADA standards
- ▶ Registration forms, ballots, and other materials must be made available in alternate formats that are accessible

## Colorado's Election Law cont.

- ▶ ALL registered voters receive a mail ballot at least 8 days prior to the election
- ▶ People with felonies are allowed to vote as long as the time for the felony has been served and the person has completed parole

## Colorado's Election Law cont.

- ▶ You have the right to vote even if you have a guardian
- ▶ You can register to vote up until election day as long as you have been a resident of Colorado for 22 days prior to the election
- ▶ Residency is a physical address that you consider your “home base”

# Registration

- ▶ Register online - must have state photo ID or Colorado Driver's license at [Govotecolorado.com](http://Govotecolorado.com)
  - ▶ Change registration information online including address (must have driver's license or state I.D.)

## Registration cont.

- ▶ Department of Motor Vehicles
- ▶ A state agency that provides public assistance
- ▶ VSPC
- ▶ PDF Form Printed from [govotecolorado.com](http://govotecolorado.com) - mail, fax or email form to clerk
- ▶ Voter Registration Drive

# Voting Identification

- ▶ Colorado Driver's License
- ▶ ID card issued by the Department of Revenue
- ▶ U.S. Passport
- ▶ Employee ID card with photo issued by U.S. government, state, municipality or other political subdivision of the state

# Voting Identification cont.

- ▶ Pilot's license (no photo)
- ▶ U.S. Military Card with photo
- ▶ Current utility bill, bank statement, government check, paycheck, or other government document with name and address of elector
- ▶ Medicaid or Medicare card



# Voting Identification cont.

- ▶ U.S. Birth Certificate
- ▶ Documentation of Naturalization
- ▶ Student ID with photo
- ▶ ID from Tribal Government
- ▶ Verification that a voter is a person committed to the department of human services and confined and eligible to register

# Voting Accessible Elections

- ▶ People with disabilities are entitled to vote independently and privately (“HAVA”)
- ▶ Every polling center must have at least one accessible voting machine under HAVA

# Voting

## Accessible Elections

- ▶ Accessible Voting Equipment
  - ▶ Marking the ballot independently
  - ▶ Verifying the marked ballot independently
  - ▶ Casting an official marked ballot independently

# Voting

## Accessible Elections cont.

- ▶ Audio/Visual Technology
- ▶ Tactile Input
- ▶ Sip and Puff Features

## Disability Related Complaints

- ▶ Architectural and Physical Barriers
- ▶ Inaccessible Voting Machines
- ▶ Voting Machines Not In Operation
- ▶ Discriminatory Attitudes
- ▶ Privacy Violations
- ▶ Lack of Knowledge and Testing

# What To Do When Rights Are Violated

Contact DLC for direct advocacy  
in filing a disability related  
complaint with the Secretary of  
State's Office

## Resources

- ▶ Election Assistance Commission  
[www.eac.gov](http://www.eac.gov)
- ▶ National Institute of Standards and Technology  
[www.nist.gov](http://www.nist.gov)
- ▶ National Federation of the Blind  
[www.nfb.org](http://www.nfb.org)
- ▶ Justvotecolorado.org - VSPC locations
- ▶ Govotecolorado.com - register to vote online

# Remember To Cast Your Vote!

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