

Know Your Rights

VOTING RIGHTS

This fact sheet is designed to help people with disabilities understand their voting rights.

It covers:

- (1) Voting Registration**
- (2) Right to Receive Assistance**
- (3) Accessibility at Polling Places**
- (4) Filing a Complaint**

YOU HAVE THE RIGHT TO VOTE.

Each State must make available registration and voting aids for federal elections for persons with disabilities and elderly individuals.

EXAMPLES—(1) instructions, printed in large type, clearly displayed at each permanent registration facility and each polling place; and (2) information by telecommunications devices for the deaf.ⁱ

In addition, all offices of State-funded programs that are primarily engaged in providing services to persons with disabilities must provide all program applicants with voter registration forms, assist them in completing the forms, and transmit the completed forms to the appropriate state official.ⁱⁱ

Persons with mental disabilities have the right to vote. Election officials or poll workers cannot make decisions about whether a person is competent to vote.ⁱⁱⁱ Each state has different voter competency requirements. For example, in California, a court can disqualify a person from voting only if they are not capable of completing an affidavit of voter registration.^{iv}

YOU HAVE THE RIGHT TO RECEIVE ASSISTANCE WHEN VOTING.

People who require assistance to vote by reason of blindness, disability or inability to read or write have the right to get help with voting “by a person of the voter’s choice,” so long as that person is not the voter’s employer or union agent.^v

YOU HAVE THE RIGHT TO VOTE IN AN ACCESSIBLE PLACE.

Polling places must be physically accessible to people with disabilities for federal elections.^{vi} The ADA requires all states to meet minimum standards for polling places, including requirements for parking areas, paths of travel to the polling place, doorways, hallways and entrances, voting areas, signage, ramps, curb-ramps and slopes, elevators and lifts, and restrooms.^{vii}

This publication is a fact sheet for informational purposes only.
This publication is not intended to be legal advice or a substitute for professional services.

EXAMPLE: When no accessible parking is available, polling places should use traffic cones to designate spaces and access aisles.^{viii}

YOU HAVE THE RIGHT TO VOTE INDEPENDENTLY AND IN PRIVATE.

Polling places must have at least one voting system accessible to individuals with disabilities.^{ix} This includes non-visual accessibility for the blind and visually impaired.

EXAMPLE: In California, persons who are blind or visually impaired must be able to (1) have the same access to voting and technology as voters who are not blind or visually impaired and (2) have access to at least 1 accessible voting unit at their polling place.^x

YOU MAY FILE A VOTING RIGHTS COMPLAINT WITH:

1. *U.S. Department of Justice*

Address

Chief, Voting Section
Civil Rights Division
Room 7254 - NWB
Department of Justice
950 Pennsylvania Ave., N.W.
Washington, DC 20530

Email

Voting.Section@usdoj.gov

2. *Secretary of State*

- The Help America Vote Act of 2002 (HAVA) requires each state to establish its own administrative voting complaint procedures. Complaints must be filed within 60 days of the alleged violation.^{xi} For more information, check your local Secretary of State website.

For any ADA physical accessibility compliance issues at polling places, you may also bring an action for declaratory or injunctive relief in the appropriate federal district court.

TIP: If you believe you have been denied any rights on voting day, contact

- Your local Secretary of State voting hotline
- Your local Protection & Advocacy Agency
- The U.S. Department of Justice, Civil Rights Division, Voting Section at 1-800-253-3931