

## **Episode 1: Your Vote is Important!**

**KEITH CASEBONNE:** Welcome to "You First," brought to you by Disability Rights Florida. The purpose of You First is to discuss the rights of individuals with disabilities, putting your rights first. This episode is the first of our "Access The Vote" series, where we will spend four episodes focusing on voting rights.

This podcast is produced by Disability Rights Florida. Disability Rights Florida is a not-for-profit corporation that works to protect and advance the rights of Floridians with disabilities through advocacy and education. You can learn more about Disability Rights Florida on our website at [DisabilityRightsFlorida.org](http://DisabilityRightsFlorida.org).

In this episode, we will cover voting accessibility issues by taking a broad look at why it's important for everyone to vote in elections and potential accessibility issues voters face. To talk about these issues, our guest today is Michelle Bishop, voting rights specialist with the National Disability Rights Network (NDRN). This episode will cover important topics, such as: why individuals with disabilities should vote in elections, current trends and challenges facing voters with disabilities, including turnout and accessibility issues, and existing legislation that protects voter access.

About 1 in 7 people eligible to vote in the United States are living with a disability. This is an important part of the population that has the right to vote in upcoming elections.

### **Michelle, can you tell me a little bit more about your position with the National Disability Rights Network?**

**MICHELLE BISHOP:** Absolutely! And first, I want to say, Keith, thank you so much for having me on, it's a pleasure to be here. I work at the National Disability Rights Network, or "NDRN." And we're really a national membership association at heart for the Protection Advocacy Network. Like Disability Rights Florida, there is a protection advocacy organization in every state, territory, the District of Columbia, and one representing Native Americans across the United States. We have 57 member organizations and they're all working on the civil and human rights of people with disabilities in their states and territories.

My piece of that puzzle is the voting rights piece. I work specifically with the staff of each of those organizations who are working on making sure that people with disabilities have access to the vote and that their right to vote is being protected. That can include any number of things. We work on helping people with disabilities get registered to vote; educating them about the process and their rights; working with elections administrators to make sure that polling places are accessible, the ballots are accessible, the poll workers

are prepared to work with people with disabilities on Election Day; making sure that some of the new technologies we're seeing, like online voter registration, are going to be accessible to people with disabilities; and any of those hosts of issues -- the whole process from start to finish, from that time you register to vote until you have successfully cast your ballot, making sure that people with disabilities are able to participate in that process. At NDRN, my role is really to provide training and technical assistance and support to the organizations that are doing that work on the ground in the states and territories, and to make sure that they're ready to help people with disabilities to participate in the process.

**KEITH CASEBONNE: So let's start off with a really simple question: who is or who is not eligible to vote?**

**MICHELLE BISHOP:** That's a great question, and that's a perfect place to start, because the first thing you need to know to participate in the process in the United States is are you eligible and how to get registered. The good news is that almost everyone really is eligible to vote in the United States. In the state of Florida in particular, you are only ineligible if you are legally found by a judge to be ineligible on the basis of a criminal history or mental incapacitation.

That means that if you are a United States citizen and you are over the age of 18, you can typically go and get registered and start participating in the process, and that's really important, because that right to vote is one of our most basic rights. It's one of our most fundamental rights, and that right on which all of our other rights really depend. So, it's important. So if you are eligible, you want to go and get registered in the state of Florida before October 11<sup>th</sup> to get ready for Election Day in November. The easiest way to do that, to find out if you're eligible and how to get registered, is to go to [AccessTheVote.org](https://www.AccessTheVote.org), and there you can find all the information you need to do that.

The last thing I would stress is that if you are a United States citizen, you're over the age of 18, and you live in the state of Florida, but you have been found incompetent to vote, that you can absolutely fight to get that right to vote back and I wouldn't hesitate to get in touch with Disability Rights Florida and see what you can do to get that process started.

It's really important that people with disabilities are participating in the process and having our voice heard this November. So find out if you are eligible, get eligible, and get registered by October 11<sup>th</sup>.

**KEITH CASEBONNE: Why it is important for people with disabilities to vote in elections?**

**MICHELLE BISHOP:** Well, I hinted at that a little bit earlier, that it's really that one right in which all of our other rights depend, and I mean that. If you

think about what people with disabilities are up against in the United States today -- access to education, access to employment, access to housing, access to health care, access to transportation that's affordable and accessible for people with disabilities -- all of those things are determined through a legislative process. Our elected officials are the people who are making those decisions. That process has a huge impact on the lives of people with disabilities. It has a huge impact on our ability to live and work and play in our communities and have the same rights as all of our nondisabled peers. It's really just that important. And we've got some numbers to show that about 1 in 7 people that are eligible to vote in the United States are actually people who are living with a disability. That's a lot.

That means we're a significant portion of the electorate. So if we were all getting out and voting, we'd be a huge percentage of voters in the United States, which means that our elected officials -- they would have no choice but to listen to us and listen to what our needs are. We have a lot of unique experiences that deserve to be heard and they deserve to be represented in our government, but it's up to us to use our right to vote to make that happen.

Saying that there is a lot of people with disabilities in the United States, it doesn't mean we're powerful, it means we're potentially very powerful. Saying that there is a whole lot of people with disabilities in the United States and that we're voting regularly, that's real power to make sure our voices are being heard and to make sure that when our legislators make decisions about our lives, they're listening to us, because nobody knows better than us what it is that we need and I really believe that the vote is how you start that process. That's your entry point into the system of having your voice heard and having the say in decisions that are going to be made about your life. No eligible voter should ever be denied his or her right to vote and no eligible voter should ever give up his or her right to vote. It really impacts every part of our lives, especially for people with disabilities. They have to get registered by October 11<sup>th</sup> and we have to get out and vote in November.

**KEITH CASEBONNE: So, Michelle, knowing the importance of voting in elections, what has been the reported turnout rate for persons with disabilities in past elections?**

**MICHELLE BISHOP:** I think I knew this question was coming.... We've talked so much about how important it is that people with disabilities get out and vote, because our voices are really important and because there are so many of us that live and work in our communities and this is really actually the unfortunate news for people with disabilities, that our turnout in elections has traditionally actually been lower than the general population. And we have the numbers to show that. Rutgers and Syracuse Universities actually released a report in 2013, where they conducted a study in the 2012 election of the turnout rate among voters with disabilities and they found that it was significantly lower.

Persons with disabilities were less likely to be registered to vote and they were less likely to turn out to vote. And the interesting thing about that study, the thing that I think will really points toward our future and what we can do to change this, is that if people with disabilities had registered and turned out at the same rate as people without disabilities, there would have been 3 million more ballots cast in the 2012 election.

**KEITH CASEBONNE:** That's a significant number! That can literally change the outcome of an election.

**MICHELLE BISHOP:** Absolutely! 3 million ballots is a large number by any standard. 3 million ballots means that if people with disabilities were voting at the same rate as people without disabilities, there are enough potential votes there to determine the outcome of really any election, from local elections up to presidential elections. We have absolutely had presidential elections that were determined by fewer than 3 million ballots.

**KEITH CASEBONNE:** That's an insane amount.

**MICHELLE BISHOP:** Absolutely. So unfortunately, we've had a lower turnout rate, but what I see there is the potential to increase that and to increase our turnout rate to a point where we have to be heard by our elected officials. People with disabilities are such a diverse community that we're traditionally known for being a swing vote.

We don't tend to vote for one type of party or politician more than another, and we have 3 million more potential ballots in us. That is a really desirable demographic for anyone who wants to win an election. Anyone who wants to win should want to tap into the power of 3 million swing votes that are out there for the taking. What we have to do is show them the votes. If they don't know if we're going to show up on Election Day, then those votes, they don't mean a lot. There are more people with disabilities in the United States than there are union members.

**KEITH CASEBONNE:** Right.

**MICHELLE BISHOP:** But I don't know about you, but every time -- and most people don't know that --

**KEITH CASEBONNE:** Right, I had no idea!

**MICHELLE BISHOP:** Well, and there's a reason for that. When you turn on your television you see the candidate speaking at their rallies, the types of people on the stage behind them, you always see the unions back there.

When a union decides to back a certain candidate, that is breaking news on all the news channels. It's not for people with disabilities, and there's a

reason for that. There's more of us but we are voting at a lower rate. There aren't that many union members actually in the United States, but they vote at a very high rate so they're a guaranteed number of votes.

People with disabilities, no matter how many of us there are, no matter the fact that we might be 20% of the population -- if we were not using all those votes, if we're not guaranteed to show up on Election Day, then we're not showing that we are concerned about these issues and that we want to have a voice on these issues. Those 3 million additional votes that could have been cast in 2012 are really, really important and there's definitely time to turn that around. 2012 is in the past, but 2016 is still coming and we have time to get registered and we have time to make that change.

Something that I think is also really interesting: Some of the findings from that study... voters with disabilities that are employed actually turn out at the same rate as other employed voters who don't have disabilities.

**KEITH CASEBONNE:** That is definitely interesting.

**MICHELLE BISHOP:** It is, and it is a little unexpected, but if you think about it, it makes a lot of sense. People who are employed, people who live in the community, people who are integrated into their communities are more likely to vote. So all this other work that organizations with Disability Rights Florida are doing to make sure that people with disabilities are living in their communities, working in their communities, engaging in their communities translates into people who feel knowledgeable about and invested in their community and who are going to turn that into a vote, now that they feel like they have a voice and something relevant to say.

So all of that amazing work that you all are doing to get people with disabilities integrated into their communities, keep doing it and maybe at the same time hand them a voter registration card and let's make sure that people with disabilities are fighting for those rights themselves. So no, the numbers right now unfortunately are maybe not where we want them to be, but I think we can change that if we keep talking to people with disabilities about how important it is that you get out and vote. I think we can change that and we have the potential to be one of the most powerful communities in the United States, if we realize it and we harness it and we get registered and we start voting.

**KEITH CASEBONNE: So why does this happen? What are the issues that are making it difficult for individuals with disabilities to vote?**

**MICHELLE BISHOP:** Well, I think that that is the right question to be asking. I think there are a lot of reasons Americans don't vote in general. A lot of us feel really disconnected from the process and disenfranchised, or we feel uncertain about the process, and that voter registration can be really helpful.

So, voters with disabilities are facing some really specific challenges. I talked a little bit about the Rutgers/Syracuse report that was issued in 2013 from the studies they did, and they actually found that one-third of voters with disabilities encountered problems at their polling place, compared to only about 8.5% of voters who didn't have disabilities.

**KEITH CASEBONNE:** That is significant.

**MICHELLE BISHOP:** It's a very significant number. That's one-third of people with disabilities who went to the poll in 2012 and they encountered some really common barriers, that to be perfectly honest, I think we should have solved by now.

They talked about having difficulty reading or seeing the ballot, understanding how to use the voting equipment, or having poll workers who felt comfortable using the polling equipment to show them how to use it. These problems aren't new.

We've also got data from the U.S. Government Accountability Office. They did studies of polling places in 2000 and they found that actually 80% of American polling places are in some way inaccessible for people with disabilities.

**KEITH CASEBONNE:** That's enormous. That's inexcusable.

**MICHELLE BISHOP:** It is. It is, and now, that's going back to 2000, but we flash forward to 2008, when they conducted another study of polling places and they found that that number had decreased, but only to about 73%, which means in 2008 we still had roughly three-fourths of polling places that somehow posed a problem for voters with disabilities. That, I think, has a huge impact on our voter participation. Nobody wants to show up to a party to which they weren't invited.

**KEITH CASEBONNE:** Absolutely.

**MICHELLE BISHOP:** And anyone who goes to their polling place and faces these kinds of barriers, the likelihood that you're going to come back next time or that you might even stay and try to see the process through once you've encountered enough barriers on that Election Day... those have an impact on people's willingness to participate in the process.

So these are long standing issues with accessibilities that need to be solved. And that's a big part of what NDRN works on. That's a huge part of what our networking organizations like Disability Rights Florida are working on and that's amazing. Voters can help with that, too. If you have a problem on Election Day, call your PNA in your state and let them know what's happening, call Election Protection at 866-OUR-VOTE and tell them what's

going on. We need that kind of information so that we can get these kinds of problems solved and I think we'll start to see a jump in our voter turnout when we start to solve some really solvable problems that have been holding us back in our voter participation.

**KEITH CASEBONNE: What voter-related legislation exists that can empower individuals with disabilities facing any problems while voting?**

**MICHELLE BISHOP:** So, the bad news like we've talked about is that a lot of barriers still exist. The good news is that the law really has a lot to say about that. The law is very much on your side if you are encountering barriers to voting. The gold standard is still absolutely the Americans with Disabilities Act. The ADA establishes federal standards for architectural access and that includes polling places and that also includes federal, state, and local elections. The ADA guidelines have a checklist for polling places that specifies how they have to be set up accessibly. So that should be happening.

In addition to that, there is something called the Voting Accessibility for the Elderly and Handicapped Act (VAEHA). People don't know as much about this act as they do about some of the other big-name pieces of the voting right legislation, but this one was incredibly important. It's actually the first piece of legislation that explicitly requires accessible polling places in federal elections. It actually predates the ADA. We had these standards before the ADA came about. It also specifies that you have to have accessibility and that you have to have alternative means of casting a ballot if you are not able to make your polling places fully accessible. So this is an incredibly important piece of legislation.

HAVA, or the Help America Vote Act, actually guarantees the right to a private and independent ballot for all voters. If you are not able to cast your ballot independently and with complete privacy, that is actually a violation of the Help America Vote Act and that's why we have all the things we see today, like the new pieces of voting equipment, touch screens that you can use to cast your ballot, audio ballots that you can listen to, to help you cast your ballot without needing assistance and that's something that we're working on. We've seen a lot of progress, but if that equipment is not set up or the poll workers don't know how to use it, that's the kind of stuff we need to hear about so we can help make this more successful.

A lot of people have heard of "Motor Voter" -- the National Voter Registration Act (NVRA). This is the act that is known for mandating that government offices have to offer voter registration. They call it "Motor Voter" because it's one famous for making the DMV offer voter registration. A lot of people don't know that that act also includes all offices of state-funded programs that primarily provide services to people with disabilities. So disability service offices that are funded by the government in your state have to offer voter

registration to people with disabilities. If they are not complying with that, that's something we want to hear about. We can make that happen.

And the oldest piece and one of the most significant pieces of civil rights legislation I think in the entire history of the United States is the Voting Rights Act of 1965. This is that piece of legislation that outlawed voter intimidation. It outlawed poll taxes. It outlawed literacy tests for voters and that has huge ramifications for people with disabilities. You should not be giving a literacy test to test your competency to vote. You should not have to pay any additional fees to vote, including having to require a certain type of ID. A little-known fact about that piece of legislation is that it also talks explicitly about people with disabilities. This is the piece of legislation that says that you have the right to have anyone you want assist you to cast your ballot. Now that does exclude your employer or your union rep. But anyone else and that person doesn't have to be a registered voter. They don't have to be a resident of your county. They don't have to be over the age of 18, they don't have to speak English. Whoever you choose to bring with you to assist you to vote has the right to come assist you. If you don't have anyone to bring to the polls, the poll workers are required to help you. They'll typically send one republican and one democrat just to make sure there is nothing tricky going on to assist you if you don't have anyone and to be very, very clear: you do not have to disclose your disability to receive assistance at the polls. You can ask for assistance or you can bring someone with you to help. That's something that you have a right to and that cannot be denied. So the law is absolutely on your side and if these are things you are seeing issues with, absolutely reach out to Disability Rights Florida and absolutely call 866-OUR-VOTE. Let us know what is happening so that we can help make sure that you are able to cast your ballot on Election Day. Please get registered by October 11<sup>th</sup> and don't forget to go vote in November.

**KEITH CASEBONNE:** This has been a lot of great information, Michelle. I think that the top 5 things that I would take away from this episode:

1. First of all, all Floridians are eligible to vote unless a judge has legally deemed them otherwise.
2. Secondly, you'd better register by October 11<sup>th</sup> if you want to be able to vote in the general election.
3. Thirdly, you don't have to disclose your disability to receive assistance.
4. Fourth, all voters have the right to access their polling place and vote with a diverse variety of resources, such as touch screens, audio inputs, accessible entrances.
5. And then finally, for more information about the accessibility of polling places and how to report any voting issues, you can check out our website: [AccessTheVote.org](http://AccessTheVote.org). You can also call our voter hotline at 1-800-342-0823 at extension 6000. A live person will answer and we can help you in any way we can, whether it's the



day you are at the polls or if you have questions in advance, either way.

Thank you again, Michelle, for speaking with us. This was really wonderful.

**MICHELLE BISHOP:** Thank you so much, it was a pleasure to be here. And please, everyone, go vote!

**KEITH CASEBONNE:** Definitely, and thank you to everyone for listening to the "You First" podcast or reading the transcript online. Please email any feedback about the show to [podcast@disabilityrightsflorida.org](mailto:podcast@disabilityrightsflorida.org).