

# California Secretary of State

## Supplementary Report:

# Voter's Choice Act: Understanding the Intersection Between Voter Access and Disability in Voter's Choice Act Counties for the 2022 Primary and General Elections

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## About the California Secretary of State

The California Office of the Secretary of State is committed to adhering to the highest standards of integrity and transparency, supporting businesses, strengthening democracy, protecting individual rights, preserving our state's history, delivering quality services, and providing accessible resources and trusted information.

The California Secretary of State's responsibilities include:

- Serving as the state's Chief Elections Officer
- Implementing electronic filing and Internet disclosure of campaign and lobbyist financial information
- Maintaining business filings
- Commissioning notaries public
- Operating the Safe at Home confidential address program
- Maintaining the Domestic Partners and Advance Health Care Directive Registries
- Safeguarding the State Archives
- Serving as a trustee of the California Museum

## Background

The Voter's Choice Act (VCA), established by Senate Bill 450 (Allen, Hertzberg, et al., Chapter 832, Statutes of 2016), aims to enhance voting accessibility in California. This legislation introduces a voter-centered model designed to increase electoral participation and provide voters with more flexible options for civic engagement.

Key features of the VCA's modernized election system include:

- Automatic mail-in ballots for all active, registered voters
- Extended in-person early voting periods of up to 10 days
- County-wide vote centers allowing ballot casting at any location within the voter's county
- Convenient, secure ballot drop box locations throughout each county

To implement this system, the VCA mandates that counties develop a comprehensive Election Administration Plan (EAP). This plan serves two primary purposes:

1. Informing voters about their expanded voting options
2. Outlining strategies for voter education and community outreach

The VCA emphasizes community involvement in the electoral process. It requires county election officials to actively seek and incorporate community input in planning and administering elections, ensuring that diverse voices are heard in shaping local voting systems.

## Introduction

As part of measuring the effectiveness of the Voter's Choice Act (VCA), the Secretary of State's office commissioned research from the University of California, Los Angeles (UCLA) Voting Rights Project to provide an overview of voting access for voters with disabilities in VCA counties during

the 2022 Primary and 2022 General Elections. When registering to vote, individuals are not required to disclose a disability, but can indicate if they would like to receive voting materials in an accessible format. This information is directed to the voter's county. As a result, the Secretary of State's centralized voter registration system, VoteCal, does not capture information about voters with disabilities and their experiences.

For this report, the focus group sample was very limited. The number of participants in the focus groups was small at 22 participants, and only represented experiences from voters in six counties. This could make it difficult to generalize the findings of the focus groups to the wider population of voters with disabilities in VCA counties. Nevertheless, UCLA's Voting Rights Project research provides insight into how effective VCA counties have been in reaching and serving voters with disabilities. Four total focus groups were conducted:

- Two focus groups with voters who identified as having limited mobility.
- One focus group with voters who identified as having limited or low vision.
- One-on-one discussions with voters who identified as having hearing limitation.

### Previous Reports

In 2020, the University of Southern California (USC) conducted the state's first Disability Access report. The USC report's methodology was very different from the current UCLA report. The USC report relied upon collected data by VCA counties on the outreach methods employed by election offices as well as utilized findings from their own statewide voter survey to examine the impacts of outreach efforts from the perspectives of voters with disabilities.

#### Similarities

- Both reports focus on the accessibility of voting for people with disabilities in California.
- Both reports acknowledge the use of Remote Accessible Vote-by-Mail (RAVBM) as a voting option for people with disabilities.
- Both reports found that RAVBM was seldom used by voters with disabilities.

#### Differences

- The USC report found that in more than half of the VCA counties' Voter Accessibility Advisory Committees (VAACs) were reported as "very or extremely" effective. The UCLA report mentions the existence of VAACs but doesn't report on their effectiveness.

### Key Findings to this Report

The UCLA report found that voters with disabilities have the propensity to participate at equal rates as other voters and can do so if given the proper accommodations.

Based on those participating in the focus groups,

- Positive Experiences with Mail-In Ballots: Voters with disabilities generally preferred mail-in ballots, finding them more convenient and flexible. The VCA's automatic mailing of ballots significantly contributed to this satisfaction.

- **Accessibility Concerns:** Participants expressed concerns about the small print size on election materials, lack of transportation assistance for in-person voting, and limited voter center locations.

**Key Insights from the Research:** Participants expressed the importance of voting and their desire to see all barriers to voting removed, stating "no barriers to voting for anybody."

Below are some of the focus groups participants' suggested ways to improve the current process and make voting more accessible.

- Increase the font size of election-related materials. Both voters with and without vision impairments find the print size of election materials too small. Vote center workers should also be trained to engage with voters with disabilities and make them feel welcome and comfortable at in-person vote centers.
- Offer transportation to vote centers for people with disabilities. Several participants recommended that the state partner with transportation businesses or community-based organizations to provide this service. While vote-by-mail is essential and convenient, participants expressed that they missed the social element of voting.
- Add more vote centers and ensure they are adequately accessible. Participants expressed the need for more accessible vote centers, more human interactions, and better signage indicating the location of vote centers.
- Create a designated line for voters with disabilities to receive specific assistance. Voters with disabilities should not have to wait in long lines, as this could compromise their physical and mental well-being. Every vote center should maintain consistent and standard protocols.

## Recommendations

- **Increased Accessibility:** Larger print sizes, additional vote centers, and accessible signage to facilitate navigation.
- **Training for Vote Center/Election Workers:** Consistent training across counties for vote center/election workers on assisting voters with disabilities.
- **Expanded Assistance:** Community vans, ballot boxes near public transportation, and assistance services for homebound individuals.

## Conclusion

The VCA has made progress in improving disability access to voting, particularly through mail-in ballots. However, further efforts are needed to address specific concerns and ensure equal voting opportunities for all.

California Voter's Choice Act:

# Understanding the Intersection Between Voter Access and Disability in Voter's Choice Act Counties for the 2022 Primary and General Elections

BY UCLA VOTING RIGHTS PROJECT IN PARTNERSHIP WITH THE CALIFORNIA  
SECRETARY OF STATE OFFICE

This report was written by the UCLA Voting Rights Project in partnership with the California Secretary of State.

### [About the UCLA VRP](#)

The UCLA Voting Rights Project (UCLA VRP) is a nonpartisan, educational project housed within the Latino Policy and Politics Initiative (LPPI) at the University of California, Los Angeles. The UCLA VRP educates undergraduate, graduate, and professional degree students through our flagship voting rights clinic. The UCLA VRP works with experts and election officials across the country to ensure equitable access to voting.

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## EXECUTIVE SUMMARY

In this report, the UCLA Voting Rights Project (UCLA VRP) was tasked with providing an analysis of how voters with disabilities engage in the voting process in Voter's Choice Act (VCA) counties. As of the writing of this report, no state collects data on voters with disabilities, and there is no way to quantitatively evaluate disability access and turnout through the voting data maintained by the California Secretary of State's Office. Given these conditions, it is vital to hear feedback from voters with disabilities on the voting process and receive guidance on how the electoral process can be more equitable in California.

This report draws on focus group and interview data from a sample of voters in VCA counties who identify as having a disability or impairment. While the focus group sample is very limited for this first report, it does set a baseline for future studies. The report is divided into two sections 1) information on voters with disabilities, which includes an academic literature review of the existing research on this subset of voters, and 2) response information from focus groups that were commissioned by the California Secretary of State and conducted by the UCLA Voting Rights Project. As further explained in the sections below, these focus groups were comprised of voters who self-identified as having mobility limitations, sight limitations, and hearing limitations.

### Purpose of the Focus Groups

Provided California does not maintain a database of voters with disabilities or impairments, conducting focus group interviews is a way of receiving in-depth information on the perceptions, insights, attitudes, and experiences of voters with disabilities. In general, focus groups are small groups of five to ten people expressing opinions on a particular topic in a moderated discussion. They require a balance where the group is homogeneous enough, so everyone feels comfortable speaking, but with some heterogeneity to collect diverse opinions.

Focus groups differ from surveys in that surveys use questionnaires to collect information that can be codified. Focus groups have a flexible format that facilitates discussion and lets the facilitator address unplanned topics with participants. Focus group discussions yield pertinent qualitative information but no quantitative data that allows for generalizations. The comments discussed throughout the paper should be interpreted in the context of the group setting. As such, focus groups should be seen as a representation of voter's lived experiences.

### Major findings of this report:

1. Voters who were interviewed in the focus groups responded that they are generally satisfied with the changes brought by the VCA electoral model. Specifically, voters expressed gratitude for the mail-in ballot automatically sent to their residences.
2. Participants stated that receiving notifications on the status of their mail-in ballot allowed them to feel their ballot was secure and would ultimately be counted.

3. All participants stated that the text size on ballots and election-related materials should be enlarged. Both voters with and without vision impairments find the text size of election materials difficult to read. Furthermore, voters with vision impairments responded that print sizes need to be enlarged because text size directly impacts the time it takes to read and engage with election materials.
4. Voters with disabilities in our focus groups stated that poll workers and election staff should receive additional training on engaging with voters with disabilities and making voters feel welcomed and comfortable at in-person vote centers.

## INTRODUCTION

Signed into law in 2016, the California Voter's Choice Act (VCA) ushered in a new election model initially used by five counties during the 2018 elections. In 2022, the number of VCA counties expanded to 27. For the 2022 Primary and General Elections, the following counties adopted the VCA model: Alameda, Amador, Butte, Calaveras, El Dorado, Fresno, Kings, Los Angeles, Madera, Marin, Mariposa, Merced, Napa, Nevada, Orange, Riverside, Sacramento, San Benito, San Diego, San Mateo, Santa Clara, Santa Cruz, Sonoma, Stanislaus, Tuolumne, Ventura, and Yolo.

Under the VCA, all voters are mailed a ballot that once filled out, voters can then return to a secure ballot dropbox, vote center or return by mail. Voters may also cast a ballot at any vote center within their county jurisdiction.

While the existing centralized voter registration database (VoteCal) can provide many insights on the age, location, and language preference of a voter, the voter file does not provide insight on voters who identify as having a disability or impairment. This is because voter registration forms do not ask voters to identify if they have a disability.

The Centers for Disease Control and Prevention (CDC) reports that about one in four American adults have a disability, defined as any condition of the body or mind that increases difficulty completing certain activities or interacting with the world around them.<sup>1</sup> Historically, voters with disabilities have seen disproportionately low participation rates in U.S. elections compared to voters without disabilities. While key public policies, such as the Voting Rights Act of 1965 (VRA) and the American Disabilities Act (ADA), were implemented to improve equity in voting, the existing turnout gap between voters with disabilities and those without reveals that further policy intervention is required.<sup>2 3</sup>

Given the data limitations in California, the California Secretary of State's office, pursuant to California Elections Code Section 4005(g)(1)(A), commissioned this report to further help county election officials and the public understand how voters in VCA counties who identify as having either mobility, sight, or hearing disabilities participated in the 2022 Primary and General Elections.

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<sup>1</sup> CDC. 2020. "Disability and Health Overview | CDC." *Centers for Disease Control and Prevention*. <https://www.cdc.gov/ncbddd/disabilityandhealth/disability.html> (March 20, 2023).

<sup>2</sup> Justice, Department of. 2015. "Section 4 Of The Voting Rights Act." *The United States Department of Justice*. <https://www.justice.gov/crt/section-4-voting-rights-act> (February 7, 2022).

<sup>3</sup> Schur, Lisa, Meera Adya, and Mason Ameri. 2015. "Accessible Democracy: Reducing Voting Obstacles for People with Disabilities." *Election Law Journal: Rules, Politics, and Policy* 14(1): 60–65.

## The Portrayal of Voting While Disabled

The Centers for Disease Control and Prevention use six broad and non-mutually exclusive categories to classify people with disabilities.<sup>4</sup> These categories are:

- 1) **Mobility:** individuals with serious difficulty walking or climbing stairs,
- 2) **Cognition:** individuals with serious difficulty concentrating, remembering, or making decisions,
- 3) **Independent Living:** individuals who experience difficulty doing errands alone,
- 4) **Hearing:** individuals experiencing deafness or serious difficulty hearing,
- 5) **Vision:** individuals experiencing blindness or difficulty seeing,
- 6) **Self-Care:** individuals experiencing difficulty dressing or bathing.

Twenty percent of American adults report identifying with one of the first two categories, a mobility or cognition disability.<sup>5</sup> Studies on voter turnout show varying outcomes for voters in each of these groups. According to the Current Population Survey Voting Supplement, voters with a hearing impairment had the highest voter turnout among all voters with disabilities, turning out at 68.5% in 2020 and 62.7% in 2016 across the United States.<sup>6</sup> In contrast, voters who have difficulty dressing or bathing (self-care) turned out at 49.4% in 2020 and only 44.5% in 2016.<sup>7</sup> The turnout disparities across these subgroups can be attributed to a number of factors. The sections below will discuss potential reasons for decreased turnout across several groups identifying with disabilities.

### Mobility Related Disabilities

Studies show that voters with mobility impairments experience immense barriers to accessing their polling place on election day. A 2014 study reveals that for voters with disabilities that limit their mobility, their odds of voting in-person are "less than half of those without such disabilities."<sup>8</sup> Barriers to physically accessing the poll range from low-quality precincts to the

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<sup>4</sup> CDC. 2023. "Disability Impacts All of Us Infographic | CDC." *Centers for Disease Control and Prevention*. <https://www.cdc.gov/ncbddd/disabilityandhealth/infographic-disability-impacts-all.html> (March 20, 2023).

<sup>5</sup> Ibid

<sup>6</sup> Schur and Kruse. *Disability and Voter Turnout in the 2020 Elections*

<sup>7</sup> Ibid

<sup>8</sup> Matsubayashi, Tetsuya, and Michiko Ueda. 2014. "Disability and Voting." *Disability and Health Journal* 7(3): 285–91.

distance voters must travel from a parking lot or bus stop to the voting booth.<sup>9</sup> <sup>10</sup> A study on the role of the urban environment in predicting participation showed that the likelihood that an individual with a mobility-related disability will vote is significantly lower when that individual resides in an area "characterized by a high proportion of streets in poor condition."<sup>11</sup> In other words, barriers to casting a ballot in-person not only exist at the polling place but also in the voter's neighborhood and their path to the polling site. This phenomenon is worsened by the inequitable distances from a polling place some voters experience.<sup>12</sup>

Disparities in polling place accessibility occur across precincts and states. In their 2001 report on access to polling places, the U.S. Government Accountability Office (GAO) reported that states "vary widely" in how they address accessibility, with multiple states having no specific standards to accommodate mobility-related disabilities. Some of the impediments listed include 32% of observed polling places having no designated parking for people with disabilities, 37% of polling places having door thresholds greater than half an inch in height – which causes issues for voters who have trouble walking, and 26% of polling places having closed doors that would be "difficult for a person in a wheelchair to open."<sup>13</sup> The GAO replicated this study during the 2008 election cycle and reported significant improvements in access; they found a nearly 10% increase in polling places with no physical impediments. However, over 24% of surveyed polling places did have impediments and did not offer curbside voting.<sup>14</sup> While barriers decreased overall by the 2009 report, 24% of polling places had steep ramps/cut curbs, and nearly 24% had unpaved or poor parking lots and building entrances. Physical barriers to polling sites decrease turnout among voters with mobility-related disabilities, as well as the psychological effect of discouraging potential voters, thereby decreasing political efficacy and furthering the sentiment that voters with disabilities are not fully included in the American electoral process.<sup>15</sup>

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<sup>9</sup> Barreto, Matt A., Mara Cohen-Marks, and Nathan D. Woods. 2009. "Are All Precincts Created Equal?: The Prevalence of Low-Quality Precincts in Low-Income and Minority Communities." *Political Research Quarterly* 62(3): 445–58.

<sup>10</sup> Clarke, Philippa J., Jennifer A. Ailshire, Els R. Nieuwenhuijsen, and Marijke W. de Kleijn-de Vrankrijker. 2011. "Participation among Adults with Disability: The Role of the Urban Environment." *Social Science & Medicine* (1982) 72(10): 1674–84.

<sup>11</sup> Ibid

<sup>12</sup> Dyck, Joshua J., and James G. Gimpel. 2005. "Distance, Turnout, and the Convenience of Voting\*." *Social Science Quarterly* 86(3): 531–48.

<sup>13</sup> US GAO. 2001. *Voters With Disabilities: Access to Polling Places and Alternative Voting Methods* | U.S. GAO. Washington, D.C.: Government Accountability Office. <https://www.gao.gov/products/gao-02-107> (March 21, 2023).

<sup>14</sup> Ibid

<sup>15</sup> Schneider, Anne, and Helen Ingram. 1993. "Social Construction of Target Populations: Implications for Politics and Policy." *The American Political Science Review* 87(2): 334–47.

### Cognitive Disabilities

Voters with cognitive disabilities face unique challenges to civic participation, as many voters in this subgroup are not as easily identified as having a disability without first having to ask. In 2020, voter turnout among those with mental and/or cognitive impairments was about 50% - meaning, about 4.5 millions of these voters did not participate in the election.<sup>16</sup> A 2017 study found that 43 states deny people the right to vote “on the basis of intellectual disability or mental illness.”<sup>17</sup> While legal arguments have been made since the passing of the VRA asserting that the participation of individuals with mental impairments has the potential to “undermine the legitimacy” of the democratic process, scholars have argued that there is no substantive evidence to this claim and that it is discriminatory in nature.<sup>18</sup> In fact, multiple studies on voters with cognitive disabilities (including hospitalized psychiatric patients) show that voting patterns of this subgroup mirror the patterns of their surrounding community and reveal high levels of political knowledge.<sup>19 20</sup>

Discrimination, stigma, and outdated stereotypes about people living with mental disabilities often undergird policies restricting the full political participation of this group. Scholars note that in 2018, eleven states still had laws with offensive terms such as “idiots,” “insane persons” and “non compos mentis.” Use of these terms can also lead to unclear boundaries around which voters are included in certain restrictions.<sup>21</sup> Other barriers to the poll for voters with cognitive disabilities include a lack of election staff knowledgeable about these disabilities that are willing to assist such voters, as well as a general lack of independence allowed for voters with cognitive disabilities.<sup>22</sup>

### Vision Related Disabilities

Approximately 59% of voters with a visual impairment turned out to vote in the 2020 election, over 8% lower than voters without disabilities.<sup>23</sup> Impairments in vision can cause several disruptions in the electoral process. Following the 2012 election, scholars conducted a national study of voters with disabilities. They found that almost 30% of these voters reported difficulties

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<sup>16</sup> Schur and Kruse. *Disability and Voter Turnout in the 2020 Elections*

<sup>17</sup> Kopel, Charles. 2017. “Suffrage for People with Intellectual Disabilities and Mental Illness: Observations on a Civic Controversy.” *Yale Journal of Health Policy, Law, and Ethics* 17(1): 209–50.

<sup>18</sup> Ibid

<sup>19</sup> Klein, M. M., and S. A. Grossman. 1971. “Voting Competence and Mental Illness.” *The American Journal of Psychiatry* 127(11): 1562–65.

<sup>20</sup> Valentine, M. B., and T. Turner. 1989. “Political Awareness of Psychiatric Patients.” *CMAJ: Canadian Medical Association journal = journal de l'Association medicale canadienne* 140(5): 498.

<sup>21</sup> Okwerekwu,, *Voting by People with Mental Illness.*

<sup>22</sup> Beckman, Ludvig. 2007. “Political Equality and the Disenfranchisement of People with Intellectual Impairments.” *Social Policy and Society* 6(1): 13–23.

<sup>23</sup> Schur and Kruse. *Disability and Voter Turnout in the 2020 Elections*

at their polling place – 22% more than those without disabilities.<sup>24</sup> Of those difficulties, the most cited issue was related to vision. Specifically, difficulty seeing and reading the ballot. This issue was cited most among voters with visual impairments, as well as voters with cognitive disabilities. Scholars note that voters with visual impairments often find it complicated to see and understand written instructions on both digital ballot machines and mail-in ballots, thus increasing the time and assistance needed to vote.<sup>25</sup>

While nearly 7% of voters with disabilities report using features for assistance on their voting device, such as increased display size and magnifiers, some scholars note that accommodations for blind voters often result in decreased privacy when casting a ballot.<sup>26 27</sup> In their assessment of Advocacy Inc.'s efforts to enforce the ADA, Harrington noted that Texas voters with visual impairments who desired to vote without third-party assistance lacked access to a secret ballot.<sup>28</sup> Studies show that casting mail ballots in braille often requires election workers to hand-copy the completed ballot to be fed into the ballot tabulation machine, thus eliminating all confidentiality.<sup>29</sup> Other lesser known barriers to voting for voters with visual impairments include "low-hanging signage and tree branches in and around polling places; blockages in hallways or along sidewalks; and open stairwells" that could lead to harm for voters in this subgroup.<sup>30</sup>

### Hearing Disabilities

About 6% of American adults with a disability report having some sort of serious difficulty hearing, or complete deafness.<sup>31</sup> Literature notes that these voters generally face fewer obstacles on election day, and thus have higher rates of turnout among all subgroups of voters with disabilities.<sup>32</sup> This claim is substantiated in the 2020 election outcomes, as voters with hearing impairments had a voter turnout rate 1% higher than voters without disabilities and almost 7%

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<sup>24</sup> Schur, Lisa, Meera Adya, and Douglu Kruse. 2013. *Disability, Voter Turnout, and Voting Difficulties in the 2012 Elections*. Research Alliance for Accessible Voting. Inter-university consortium. [https://smlr.rutgers.edu/sites/default/files/Documents/Centers/Program\\_Disability\\_Research/Disability%20and%20voting%20survey%20report%20for%202012%20elections.pdf](https://smlr.rutgers.edu/sites/default/files/Documents/Centers/Program_Disability_Research/Disability%20and%20voting%20survey%20report%20for%202012%20elections.pdf).

<sup>25</sup> Tokaji, Daniel P., and Ruth Colker. 2007. "Absentee Voting by People with Disabilities: Promoting Access and Integrity Symposium: Facilitating Voting As People Age - Implications of Cognitive Impairment." *McGeorge Law Review* 38(4): 1015–64.

<sup>26</sup> Schur et. al, *Disability, Voter Turnout in the 2012 Elections*

<sup>27</sup> Tokaji and Colker, *Absentee Voting: Promoting Access*

<sup>28</sup> Harrington, James C. 1998. "Pencils within Reach and a Walkman or Two: Making the Secret Ballot Available to Voters Who Are Blind or Have Other Physical Disabilities: A Chronology of Litigation History, Theory, and Results." *Texas Forum on Civil Liberties & Civil Rights* 4: 87.

<sup>29</sup> Root, Danielle, and Mia Ives-Rublee. 2021. *Enhancing Accessibility in U.S. Elections*. Washington, D.C.: Center for American Progress.

<sup>30</sup> Ibid

<sup>31</sup> CDC, *Disability Impacts Us All*

<sup>32</sup> Schur, Lisa, Meera Adya, and Mason Ameri. 2015. "Accessible Democracy: Reducing Voting Obstacles for People with Disabilities." *Election Law Journal: Rules, Politics, and Policy* 14(1): 60–65.

higher than voters with other disabilities.<sup>33</sup> Despite higher rates of turnout, voters with hearing impairments still face unique challenges when voting. Voters with hearing impairments report experiencing issues checking in when voting in person, communicating with hearing election workers, learning information that is not available in writing, being required to verbally confirm their name and residential address with election workers, and generally having little to no access to sign language interpreters at their local polling precinct.<sup>34</sup> During the COVID-19 pandemic, voters with hearing impairments faced unique issues in the transition of many voter education programs from in-person and sign-language equipped, to digital video platforms without video captioning.<sup>35</sup>

Overall, the experience of voters with disabilities varies widely across precincts and states, often leading to racial and income disparities among members of this group. While the percentages mentioned above of affected voters may appear marginal, the number of adults with disabilities in the United States indicates that systematic data collection on this group is integral to improving access for all voters. As noted in the assessment of turnout in the 2020 election, about 11 million voters with disabilities did not cast a ballot, begging an analysis of the true barriers to full participation for this group.<sup>36</sup>

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<sup>33</sup> Schur et. al, *Disability, Voter Turnout in the 2020 Elections*

<sup>34</sup> Root and Ives-Rublee, *Enhancing Accessibility in U.S. Elections*.

<sup>35</sup> Fernandes, Reno et al. 2020. "Voter Education for the Deaf During the COVID 19 Pandemic." *PalArch's Journal of Archaeology of Egypt / Egyptology* 17(6): 10518–28.

<sup>36</sup> Schur et. al, *Disability, Voter Turnout in the 2020 Elections*



## The 2002 Help America Vote Act (HAVA) and California's HAVA Plan

Following the November 2000 General Election, Congress passed the 2002 Help America Vote Act (HAVA), which included a number of provisions aimed at increasing access to the poll for voters with disabilities.<sup>37</sup> In addition to updating voting technology, Title III of the act required “at least one direct recording electronic voting system or other voting system equipped for individuals with disabilities at each polling place,” as well as required accessibility for the blind and visually impaired and allocated funds to do so.<sup>38</sup> Despite direct efforts to improve access, studies on the implementation and results of the act show that barriers to the poll for voters with disabilities largely remained after its passing. A study of 35 states conducted by the National Association of Secretaries of State found a large variation in the implementation of HAVA-related accessibility changes.<sup>39</sup> Even with clear and potentially impactful provisions, scholars critique the act as being nonspecific.<sup>40</sup> These perspectives suggest that policies aimed at reducing disparities between voters with and without disabilities have instead enabled systemic inequities in election administration.

### The California HAVA State Plan

In 2003, the California Secretary of State released “My Vote Counts: The California Plan for Voting in the 21<sup>st</sup> Century,” a detailed report on California’s plans for implementing the Help America Vote Act (HAVA) throughout the state.<sup>41</sup>

The plan set out to make a number of broad-sweeping changes such as modernizing voting equipment, incorporating at least one polling place with a touch screen device to increase accessibility, enhancing the provisional voting process, expanding efforts to inform all eligible citizens about the voting process, increasing education and training of elections officials and poll workers, and improving the complaint procedure regarding election law violations.<sup>42</sup>

To directly address low accessibility for voters with disabilities, the plan asserted that the state would “support, promote and encourage the use of direct recording electronic (DRE/touchscreen) voting systems,” which would increase access and participation for voters with disabilities.<sup>43</sup> All

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<sup>37</sup> Miller, Peter, and Sierra Powell. 2016. “Overcoming Voting Obstacles: The Use of Convenience Voting by Voters With Disabilities.” *American Politics Research* 44(1): 28–55.

<sup>38</sup> 107th Congress. Public Law 107-252 *Help America Vote Act of 2002*. <https://www.govinfo.gov/content/pkg/PLAW-107publ252/html/PLAW-107publ252.htm> (March 21, 2023).

<sup>39</sup> Ward, Andrew, Paul M. A. Baker, and Nathan W. Moon. 2009. “Ensuring the Enfranchisement of People With Disabilities.” *Journal of Disability Policy Studies* 20(2): 79–92.

<sup>40</sup> Okwerekwu, Jennifer A. et al. 2018. “Voting by People with Mental Illness.” *Journal of the American Academy of Psychiatry and the Law Online*. <https://jaapl.org/content/early/2018/10/31/JAAPL.003780-18> (March 21, 2023)

<sup>41</sup> Shelley, Kevin. 2003. *My Vote Counts: California's Plan for Voting in the 21st Century*. California Secretary of State. [https://elections.cdn.sos.ca.gov/HAVA\\_finalplan\\_12-03.pdf](https://elections.cdn.sos.ca.gov/HAVA_finalplan_12-03.pdf) (April 4, 2023).

<sup>42</sup> Ibid

<sup>43</sup> Ibid

updates to voting systems in the plan were intended to increase the privacy and independence of voters with disabilities, including those with visual impairments. Other plans to increase accessibility include: producing poll worker recruitment documents that are targeted and accessible to individual voters, increasing accessibility of election-related websites, establishing alternative methods of provisional ballot signature comparison to accommodate voters with physical disabilities whose signature may have changed, and forming an advisory committee that includes voters with disabilities to assess the effectiveness of the SOS's voter outreach programs.<sup>44</sup>

*The 2010 California State Plan Update*

The California State Plan was updated twice, in 2004 and in 2010, to address progress and changes in the implementation of HAVA, as well as conflicts with federal and state implementation. The 2010 update, issued in August of that year, noted severe implementation issues due to delayed federal funding availability. The advisory committee noted, "States had difficulty requesting and securing the federal funding intended to help them meet HAVA's requirements to deploy new voting systems, statewide voter registration databases and improve voter education programs."<sup>45</sup>

Despite funding issues, the advisory council reported several accomplishments in implementation throughout the 2008 election cycle, including ensuring that provisional voters can "at no cost" check the status of their provisional ballot to determine if it was counted, and expanding the capacity of the toll-free voter information hotline. Regarding changes that increase accessibility, the advisory committee reported having provided alternative formats for voter materials, improved accessibility of the SOS website, executed contracts with counties for funds to improve polling place accessibility, conducted outreach to voters with disabilities, and provided statewide training on surveying polling places for accessibility alongside the Department of Rehabilitation.<sup>46</sup> As noted in the original plan, the advisory committee utilized recommendations from the then-newly established Voting Accessibility Advisory Committee.

Most notably, the 2010 update made California the first state to implement disability standards set by the 2005 Voluntary Voting Systems Guidelines to test and approve voting systems. These

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<sup>44</sup> Ibid

<sup>45</sup> Committee, State Plan Advisory. 2010. *HAVA State Plan 2010 Update*. California: California Secretary of State. <https://elections.cdn.sos.ca.gov/hava/state-plan/state-plan-final.pdf>.

<sup>46</sup> Ibid

standards were aimed at increasing accessibility for “vision, dexterity, mobility, hearing, speech, English proficiency and cognition.”<sup>47 48</sup>

## FOCUS GROUP FINDINGS IN CALIFORNIA

Shirley N. Weber, Ph.D., the California Secretary of State, commissioned the UCLA Voting Rights Project to conduct four focus groups among voters who identified as having a disability in VCA counties to better understand disability access. The conversations were centered on voter registration access and general voting experiences across California. The goal of this qualitative research is to explore the kinds of hurdles, obstacles, and difficulties voters with low vision and/or vision impairments, hearing disability, and/or limited mobility experience while voting.

Participants were recruited by the Schlesinger Group<sup>49</sup> in Los Angeles and took place over QualMeeting, a virtual focus group platform, and Zoom. Participants were screened based on whether they voted in both the 2022 Primary and 2022 General Elections, whether they identified with having a disability, and whether they were located in a VCA county. Four total focus groups were conducted: two focus groups with voters who identified as having limited mobility, one focus group with voters who identified as having limited or low vision, and one-on-one discussions with voters who identified as having hearing limitations. The one-on-one format accommodates voters with hearing limitations and provides a more streamlined conversation with a moderator.

### Demographics

Twenty-two people participated in the focus groups. Our sight-impaired focus group consisted of five participants, our two mobility focus groups consisted of six participants each, and we conducted five one-on-one interviews with people identified as having hearing impairments. Our researchers chose to conduct one-on-one interviews with voters who identified as having hearing impairments so that researchers would be able to ensure accurate closed captioning of questions and allow the voters interviewed to be able to write their answers. Of these participants, seventeen were women, and five were men.

The focus group participants ranged in age from 36 to 69 years old—nearly all participants identified as living with more than one disability. Among participants, two were between the ages of 30 to 40; two were between the ages of 41 to 50; five were between the ages of 51 to 60; the remaining twelve participants were over the age of 61.

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<sup>47</sup> Ibid

<sup>48</sup> EAC, US. 2005. *Voluntary Voting System Guidelines*. Washington, D.C.: United States Election Assistance Commission. [https://www.eac.gov/sites/default/files/eac\\_assets/1/28/VVSG.1.0\\_Volume\\_1.PDF](https://www.eac.gov/sites/default/files/eac_assets/1/28/VVSG.1.0_Volume_1.PDF) (March 31, 2023).

<sup>49</sup> The Schlesinger Group is a data collection company, specializing in research facilities and recruitment of interview and survey respondents.

Table 1 below shows the demographics of the focus group conducted for sight-impaired participants. The focus group for sight-impaired individuals consisted of three female participants and two male participants. The majority of participants were 60 years or older and mostly lived in Los Angeles County.

**Table 1: Sight Impairment**

County	Gender	Age	Profession
Los Angeles	F	48	Science Assistant at NASA
Los Angeles	M	46	Paraprofessional
Los Angeles	M	64	Retired
Orange	F	62	Graduate Student
San Diego	F	65	Insurance Broker

Table 2 below shows the demographics of the first focus group conducted for mobility-impaired participants. The first focus group for mobility-impaired voters consisted of five females and one male. The youngest participant was 40 years old, and the oldest was 69 years old. Most of these participants lived in Alameda County.

**Table 2: Mobility Impairment**

County	Gender	Age	Profession
Alameda	F	40	Disabled / Part-time delivery
Alameda	M	63	Retired

<b>County</b>	<b>Gender</b>	<b>Age</b>	<b>Profession</b>
Alameda	F	68	Disabled / Retired
Los Angeles	F	52	Retired
Los Angeles	F	53	Disabled / Part-time resale worker, Part-time delivery
San Mateo	F	69	Contract Bookkeeper

Table 3 below shows the demographics of the second focus group conducted for mobility-impaired participants. The second mobility-impaired focus group was comprised of four females and two males. The youngest participant was 36 years old, but most participants ranged from 54 to 67 years. Half the participants lived in Los Angeles County, and the other half lived in San Mateo, San Diego, or Fresno Counties.

**Table 3: Mobility Impairment**

<b>County</b>	<b>Gender</b>	<b>Age</b>	<b>Profession</b>
Fresno	M	36	Manager at an Orthodontic office
Los Angeles	F	54	Homemaker
Los Angeles	F	67	Retired
Los Angeles	F	66	Assistant at a Non-Profit
San Diego	F	58	Retired

<b>County</b>	<b>Gender</b>	<b>Age</b>	<b>Profession</b>
San Mateo	M	60	Purchasing agent for a large mechanical contractor

Table 4 below shows the demographics of the focus group conducted for hearing impaired participants. All five participants in the focus group for the hearing-impaired were female. The average age among hearing-impaired participants was 59 years old. Most of the participants lived in Los Angeles County.

**Table 4: Hearing Impairment**

<b>County</b>	<b>Gender</b>	<b>Age</b>	<b>Profession</b>
Los Angeles	F	57	Did Not Provide
Los Angeles	F	67	Retired
Los Angeles	F	65	Educational advocate with a juvenile mental health court
Los Angeles	F	63	Home care
Madera	F	42	Secretary for Public Works Department

Key Insights from the Research

The insights outlined below are the opinions of the voters that participated in our focus groups and should be interpreted in the context of the group setting.

1. California Voter's Choice Act (VCA) County voters living with disabilities are satisfied with the current VCA system.

- a. Across the four focus groups conducted, all 22 participants stated that they were satisfied with the VCA system, and in particular, receiving a mail ballot. The VCA model and automatic delivery of mail ballots to all voter residences provides options for voters with disabilities. The option to stay home and vote allows voters with mobility limitations more flexibility. Receiving a mail-in ballot allows participants to take their time reading voter information and researching to make informed decisions on their candidate preference.
- b. The mail-in ballot system is described as easy to use and critical for voter participation in the voting process. Most of the participants from the focus groups are living with more than one disability, so voting at home allows them to stay independent. They do not have to arrange transportation to visit in-person vote centers or ask for assistance once reaching the vote center. Participants also expressed satisfaction with receiving notifications on the status of their mail-in ballot. Receiving these notifications allowed them to feel secure that their ballot would be counted. Almost all participants use the current voter guide to start their research process into the candidates and propositions on the ballot. Several participants said they read the entire voter guide when preparing to cast their ballot.

II. Participants' sentiment on voting:

- i. Across the five focus groups conducted, all 22 participants stated that voting is a tool to make their voices and opinions heard. Participants stated that they would continue to participate in the electoral process and would like all barriers to voting to be addressed. In other words, participants want "no barriers to voting for anybody."

III. Ways to improve the current process and make voting more accessible:

- i. Participants stated that the print size of all election-related information, including the actual ballot text, needs to be enlarged. Both those with low vision and those without this specific disability find the lettering on election materials too small. Voters with low vision specifically need larger print because the small size of the writing impacts the time it takes for them to read and engage the material.
- ii. Many participants stated that the state should offer transportation for people with disabilities to facilitate voting in person and encourage more voters with disabilities

- to participate. Several participants recommended that the state partner with transportation businesses or community-based organizations to provide this service. While the vote-by-mail system is essential and convenient, participants expressed that they missed the social element of voting. Participants mentioned wanting to feel like they are a part of something in every conversation.
- iii. Participants want additional vote centers more human interactions, and more accessibility in the vote centers.
  - iv. Participants believed that vote centers should have adequately large signage indicating their location. Voters across disability groups expressed difficulties in finding vote centers. Participants stated that vote center staff should be trained to work with voters with disabilities.
  - v. One possible solution mentioned was a designated line for voters with disabilities where they could receive specific assistance. Voters with disabilities should not have to wait in long lines as this could compromise their physical and mental well-being. Participants expressed that poll workers should focus on accommodating voters who are disabled, and every vote center should maintain consistent and standard protocols.

#### IV. Additional insights from the Focus Groups

- a. The focus group of low-vision participants agreed that “we will all have a disability one day.” They recognized disability as a spectrum that anyone can be on. For this reason, they feel it is important to collaborate with voters with disabilities to create policies and programs focused on accessibility.
- b. “Not looking disabled” is a barrier to participation. Participants feel that people who are not disabled often attempt to determine if a person is disabled. This is an uncomfortable experience for people living with disabilities. Our participants noted that categorizing a person as disabled is not straightforward and is more difficult to determine than individuals without disabilities often believe.
- c. Many participants became disabled over time, usually through their work.
- d. Interdependence is central to how participants organize their lives. In other words, they often ask people in their social network for assistance to accomplish their tasks.
- e. All participants expressed gratitude for the notifications they received about their mail-in ballots verifying the security of their votes. Still, several participants expressed concern about ballots being counted more than once and if their ballot



was actually counted. Participants concerned with ballots being counted more than once were also concerned with immigrants and the U.S.-Mexico border.

- f. Several participants that vote-by-mail coordinate with a person in their community to drop off their mail ballot in person at the ballot box closest to the vote center. These participants believe that not all ballot boxes are reliable.

## Voters with Sight Impairments: Focus Group Results

Below are highlights from the focus group conducted with voters with sight impairments who live and vote in VCA counties.

### June 2022 Primary Election Experience

For the 2022 Primary Election, most participants expressed that voting by mail was more helpful and convenient for them because of their low vision. At home, they could take their time filling out the ballot and reading the voting materials to make informed decisions. Voting from home also eliminates the labor of coordinating travel plans with someone in their social network to reach the polling center. Most participants mentioned how voters without disabilities at vote centers become frustrated with the time it takes the participants to read their ballot because of the small print. Therefore, voting by mail is perceived as a safer and less burdensome option for the participants.

Only one participant, a 62-year-old woman, voted in person for the 2022 June Primary Election. This participant claimed that they never received their mail ballot. The participant believed the mail ballot was stolen and expressed that their in-person voting experience was not positive. The participant stated that the signage to find the polling site was too small, making it difficult to find. They also noted that poll workers were not helpful when she asked for assistance.

When the focus group was asked if they would ever consider voting in person at a vote center, all the participants said they would not.

Half of the participants who voted by mail dropped off their mail ballots in drop boxes, while the other half mailed them in. One participant said, *"I've been doing mail-in for, I don't know, 15 years or more."*

### November 2022 General Election Voting Experience

Voters shared similar experiences between the 2022 Primary and General Elections. Again, voters with vision impairments stated that voting by mail was more helpful and convenient. All participants voted by mail during the November General Election. Participants indicated that they encountered few obstacles when sending in their mail ballots and expressed appreciation for the prepaid postage included with their mail ballot. Several participants expressed concern over illegal voting or multiple ballots being mailed to one voter.

### Personal Experiences and Obstacles to Voting

Most participants across the focus groups have only voted in California. When the focus groups were asked whether they believed there was adequate assistance and services for people who have a sight impairment, the participants primarily answered "no."

No participants recalled being offered assistance due to their disabilities when they did vote in person. One person mentioned that during the 2008 election, they did not receive their mail ballot because they could not provide the proper documentation, and the process was not automatic like it is under the VCA model. The participant expressed, "***It used to be that you were more*** restrictive to a mail-in ballot, you had to be elderly, or you had to have a medical condition, have your doctor sign off for it." Consequently, the participant had to navigate the polling site, their former school campus, with the help of the eight-year-old child and the assistance of a ballot worker to fill out their ballot. This same participant recalled a coworker who, before one election, "moved and couldn't get back to their old polling place because it was too far away. They left work early to go to the polling place and were in an electric wheelchair waiting for an hour and 20 minutes in the pouring rain to vote. They were very discouraged that no poll workers came to usher them in earlier."

Multiple participants expressed difficulties reading the print on ballots and stated that having the text in a larger size would be helpful because of their low vision. Image and object security verifications on websites were also described as "annoying" because the participants cannot always differentiate the images.

Another participant expressed frustration that government agencies had ignored their requests for large print election after election, stating, "I can't tell you how many different things I've signed up for in large print and none of 'em have ever come in large print." One participant mentioned tools like \$2,500 cameras that convert text to speech but noted that the high cost makes such solutions inaccessible. Participants recognize that not all voters have the financial capabilities for these technologies, which is why they find it important for voting centers and state websites to invest in accessible technologies for voters with sight impairments.

One participant in this focus group living within a VCA county attempted to vote in person but was not found on the voter roll even though he lived in a household of seven, and all other residents were registered. After this experience, the participant checks every year or two to see if he is registered to vote. Overall, participants say it's easier to vote-by-mail than going into a polling place. However, some miss the social element of voting in person – being in line, talking to people, and "feeling part of the process" of voting.

#### Recommendations from Voters with Sight Impairments

Participants stated several ideas for improving accessibility for voters with low vision, including:

1. Digital copies of the ballot materials for low-vision individuals so they can enlarge the text or use screen readers. Also, the text on the county election websites could be accompanied by recorded audio that reads the text aloud for those without screen reader programming.

2. Ensuring adequate signage of polling site locations to avoid confusion over where voters can cast a ballot.
3. Election materials in braille at polling sites.
4. Community vans for individuals who want to vote in person can be picked up and taken to the polling site, allowing voters to feel like they “belong to a group.” This may be a chance for counties to partner with regional transit systems or community partners.
5. Partnering with local transportation services allows voters to go to polling or ballot drop-off sites. A booking system could group reservations by living area and preferred time of visit.
6. Ballot boxes near public transportation depots such as train stations and bus stops.
7. A hotline with human assistance to answer questions voters have about the voting process or candidates.
8. Creating space in public libraries where voters with disabilities can access specialized information about polling locations.
9. Instead of mailing multiple election postcards, send one postcard with a QR code that directs voters to select how they receive information – digitally or on paper. This QR code could also ask voters to identify if they are low vision and need large print or other accommodations for their disabilities.
10. Creating assistance services for disabled people who do not leave their homes. This service could offer disabled people more independence instead of reliance on family members who may hold opposing views and leave no room for privacy. This may be a chance for counties to partner with community partners.
11. Asking voters who receive existing home assistance services from the county if they also need voting assistance and sending a person to their home as a state service.
12. To increase the number of active voters, include a question on life insurance intakes that asks whether people are registered to vote and if they require assistance when voting.

### [Voters with Mobility Impairments: Focus Group Results](#)

Below are highlights from the two focus groups hosted for voters with mobility impairments who live and vote in VCA counties.

#### *June 2022 Primary Election Experience*

Almost all participants voted by mail and stated that voting by mail is more accommodating to their mobility limitations than voting in person. One participant always visits their local vote center because they investigate potential voter suppression methods. Another participant expressed that they specifically vote-by-mail to avoid these hostile interactions in addition to their flaring body pain. Another participant stated that they made a similar body-ability negotiation when voting in person in Pasadena during the 2020 General Election. The participant

explained that they voted in person because the election was important but found the environment confrontational.

Five out of six participants agreed that they are sometimes targeted and described being “shooed away from parking spots” because “they do not look disabled.” All participants agreed that these actions are unjust and noted that categorizing a disability is more complicated and nuanced than most people think. They stated that some individuals “point at people and say, oh, you’re cheating.” Overall, the participants that decide to vote in person do so to feel a part of the larger process.

#### November 2022 General Election Voting Experience

Participants in the focus groups primarily voted by mail, with only two choosing to vote in person. Of those two, one participant expressed that voting in person in Fresno was very different from voting in person in Los Angeles. Participants explained that they preferred voting by mail because it was convenient and allowed them to take as much time as necessary.

The subject of preventing interference with ballots was a recurring theme across all focus groups and one-on-one discussions. In these focus groups, participants who did not explicitly express concern over voter intimidation and suppression still mentioned concern for keeping their ballot secure. Ballot security compelled some participants to drop their mail ballots at the drop box closest to a local vote center or to give them to a trusted person like a friend, roommate, or family member to drop off the ballot at a vote center.

Participants also discussed the texts they received when their ballot was mailed and when it was received. The vote-by-mail experience was positively described as streamlined, though some believe the number of notifications they received was excessive (a negative experience).

#### Personal Experiences and Obstacles to Voting

All participants agreed that voters living with disabilities that choose to participate in person deserve support from the on-site poll workers. Participants in these focus groups again expressed the desire to participate in person. Being a part of the larger electoral process was mentioned as a key reason voters with disabilities want to vote in person.

When asked if participants themselves or someone they knew were able to request an accommodation at a polling site, two participants stated that poll workers did provide accommodations during the 2022 elections, such as providing a separate table and tray to allow the voter to cast their ballot.

Recommendations from Voters with Mobility Impairments

A major theme in these focus groups was the potential of voting in person to feel a part of something larger socially. Many of the recommendations reflect this insight. Participants stated several ideas for improving accessibility for voters with mobility impairments, including:

1. Poll workers receive mandatory training on aiding voters with disabilities. The state could administer these trainings.
2. Surveys to voters with disabilities so it can be identified if they require assistance from the county/state.
3. Increase font size on all election-related materials, including ballots.
4. A hotline to assist voters with disabilities.
5. Increase services for people with disabilities.
  - One participant stated, “It's like a utility, you know, water, electricity. It should be provided whether you can afford it or not. It's sort of the true meaning of democracy to make sure everyone has a vote, a chance to voice concerns, or state their wishes or needs. And if there is some impediment, whether you can't read English well or walk well, all those people in general should be supported.”
  - Another participant stated, “If there's somebody, if there's an, a disabled or older person who needs assistance, either reading or casting their ballot, it, it would be nice if the county had resources to provide the help for that person. The decision making has to come from the person, but, but the physical marking the ballot, getting the ballot, getting it mailed, if that's what's going to happen, um, I think those resources should be available for people who need them.”
6. Increase the number of vote centers voters can cast a ballot at.
7. Braille on mail ballots without requiring a request.
8. Increase the number of seats at vote centers.
9. An accessible line for voting like the Department of Motor Vehicles.

## Voters with Hearing Impairments: Focus Group Results

Below are highlights from the focus group conducted with voters with hearing impairments who live and vote in VCA counties.

### June 2022 Primary Election Experience

Participants in this focus group primarily chose to vote-by-mail, with some participants choosing to drop off their mail ballot at a vote center.

### November 2022 General Election Voting Experience

Participants in this focus group primarily voted by mail during the 2022 General Election. A participant stated that they only feared getting their ballot in the mail on time.

### Personal Experiences and Obstacles to Voting

Many participants living with hearing impairments stated that they did not experience any difficulties or obstacles when voting. Many expressed that the voting process was easy but that they would like to see more vote centers and in-person polling locations for voters.

### Recommendations from Voters with Hearing Impairments

Participants stated several ideas for improving accessibility for voters with hearing impairments, including:

1. More nonpartisan education and information for voters.
2. More poll workers and election staff at vote centers that are exclusively there to assist voters with disabilities.
3. Election staff that are better trained to assist and interact with voters with disabilities.
4. Braille ballots more clearly available for voters at polling locations, as well as advertising to voters with disabilities what services are available to help them to vote in person.
5. Election staff that speak American Sign Language (ASL) at polling sites to assist voters with hearing disabilities.
6. Clear to read maps of drop box locations.

## CONCLUSION

The sections above outlined the multi-layered voting process for many voters with disabilities and discussed how policy implementations have worked to address some of the issues faced by these voters. Since the most recent HAVA update was over ten years ago, the remainder of this report will discuss additional accommodations and policy recommendations from several scholars to improve the electoral experience for voters with disabilities.

### Vote-by-mail

Vote-by-mail has historically been a useful alternative for voters with disabilities, especially those citing mobility issues like climbing stairs or traveling far distances on foot.<sup>50</sup> Studies conducted in the late 1990s found that, while the national disability vote gap in the 1992 general election was fourteen percentage points, in New Jersey, voters with mobility-related disabilities voted using absentee ballots at rates fifteen percentage points *higher* than voters without disabilities.<sup>51</sup> This phenomenon was duplicated nationwide in the 1994 elections as voters with disabilities were less likely to be registered to vote and to turn out to vote but *more* likely to cast an absentee ballot than voters without disabilities.<sup>52</sup> Fast-forwarding to the 2008 and 2010 elections, voters with disabilities remained more likely to vote-by-mail, despite being less likely to cast a vote at all.<sup>53</sup>

Data from past elections reveals that vote-by-mail ballots provide an opportunity to close the vote gap and eliminate barriers to the polls. The results spanning from Presidential elections to Gubernatorial Recall elections demonstrate that voters with disabilities have the propensity to participate at equal rates as other voters and can do so if given the proper accommodations. In fact, in 2010, people with disabilities were more likely to vote in states that offered no-excuse absentee voting as opposed to states that did not offer this method.<sup>54</sup> Today, 35 states and Washington, D.C, offer no-excuse absentee voting, meaning that “any qualified voters may vote an absentee/mail ballot without offering an excuse.”<sup>55</sup> Though all states allow voters with disabilities to request an absentee ballot, no-excuse absentee voting decreases barriers to the vote

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<sup>50</sup> Barreto, Matt A., Matthew J. Streb, Mara Marks, and Fernando Guerra. 2006. “Do Absentee Voters Differ from Polling Place Voters?: New Evidence from California.” *Public Opinion Quarterly* 70(2): 224–34.

<sup>51</sup> Schur, Lisa A., and Douglas L. Kruse. 2000. “What Determines Voter Turnout?: Lessons from Citizens with Disabilities.” *Social Science Quarterly* 81(2): 571–87.

<sup>52</sup> Shields, Todd G., Kay Schrinier, and Ken Schrinier. 1998. “The Disability Voice in American Politics: Political Participation of People with Disabilities in the 1994 Election.” *Journal of Disability Policy Studies* 9(2): 20.

<sup>53</sup> Schur, Lisa, and Meera Adya. 2013. “Sidelined or Mainstreamed? Political Participation and Attitudes of People with Disabilities in the United States.” *Social Science Quarterly* 94(3): 811–39.

<sup>54</sup> *Ibid*

<sup>55</sup> NCSL. 2022. Voting Outside the Polling Place: Absentee, All-Mail and Other Voting at Home Options. National Conference of State Legislatures. <https://www.ncsl.org/elections-and-campaigns/voting-outside-the-polling-place> (March 21, 2023).



by lessening the amount of paperwork and assistance that voters with disabilities will need to exercise this option.

Expansions on absentee voting options were often a result of the COVID-19 pandemic when mail-in voting became a widespread option to ensure the health and safety of all voters.<sup>56</sup> Absentee voting increased during the pandemic for voters with and without disabilities, expanding from nearly 25% of all voters using this option in 2016 to about 50% in 2020. When disaggregating by disability status, survey data shows that voters with disabilities utilized this option at even higher rates; about 52% of these voters voted by mail before election day, a rate about 12% higher than voters without disabilities.<sup>57</sup> The data again reflects that vote-by-mail alleviated a potential voter gap, as only one-fourth of voters with disabilities voted in person on election day in 2020.<sup>58</sup>

### Mobile Voting

One concept of mobile voting consists of election workers bringing ballot-casting equipment to locations easily accessible to mobility-limited voters, such as hospitals, long-term care facilities, and even shopping centers located on public-transit routes.<sup>59</sup> This option would expand access to the polls for bedbound voters, voters with limited ability to leave their residence, and voters who rely on accessible (and assisted) transit. This is especially pertinent for residents of assisted living homes in states where nurses and nursing home staff are banned from helping residents complete their ballot (like North Carolina).<sup>60 61</sup>

Across the U.S., several states have experimented with various mobile device pilot options, yet no widespread mobile voting initiative has gained substantial traction. Prior to 2020, Florida offered a program wherein election supervisors would "travel to residential care facilities and help residents fill out absentee ballots."<sup>62</sup> A similar program existed in Wisconsin; however, both programs have been significantly curtailed or suspended, and similar programs face scrutiny from election security advocates. As a result, voters with such living arrangements could benefit from a mobile voting option. Disability advocates have also introduced mobile voting through a

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<sup>56</sup> Desilver, Drew. "Mail-in Voting Became Much More Common in 2020 Primaries as COVID-19 Spread." *Pew Research Center*. <https://www.pewresearch.org/fact-tank/2020/10/13/mail-in-voting-became-much-more-common-in-2020-primaries-as-covid-19-spread/> (March 21, 2023).

<sup>57</sup> Schur et. al, *Disability, Voter Turnout in the 2020 Elections*

<sup>58</sup> *Ibid*

<sup>59</sup> Ward, Baker, and Moon, *Ensuring the Enfranchisement of People With Disabilities*.

<sup>60</sup> Gillum, Ryan McCarthy, Jack. 2020. "Hundreds of Thousands of Nursing Home Residents May Not Be Able to Vote in November Because of the Pandemic." *ProPublica*. <https://www.propublica.org/article/hundreds-of-thousands-of-nursing-home-residents-may-not-be-able-to-vote-in-november-because-of-the-pandemic> (March 21, 2023).

<sup>61</sup> There are no restrictions on assisting nursing home residents in California. According to the CA Voter Bill of Rights all voters have "[t]he right to get help casting your ballot from anyone you choose, except from your employer or union representative." <https://www.sos.ca.gov/elections/voter-bill-rights>

<sup>62</sup> *Ibid*

smartphone, tablet, or computer as a sustainable option for increasing access to the poll.<sup>63</sup> Though such a program was quietly piloted in Delaware, cybersecurity and elections experts report strong reluctance to adopt a seemingly risky shift.<sup>64</sup>

In California, Remote Accessible Vote-by-Mail systems (RAVBMs) have been utilized as an option for mobile voting. RAVBMs were initially intended for the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) and disabled voters.<sup>65</sup> The first RAVBM systems were certified for use in 2017, and VCA counties were early adopters of RAVBM systems. Any registered voter can use RAVBM systems, and all counties must have one in place. Today, we have four certified systems, but three are widely utilized throughout the state: Democracy Live's Secure Select, Dominion's ImageCast Remote, and Los Angeles County's Interactive Sample Ballot.<sup>66</sup> The RAVBM systems only allow for online ballot marking, downloading, and printing in accordance with the California Elections Code.

#### Increasing Access for Voters with Disabilities

Historically, voters with disabilities have seen disproportionately low participation rates in U.S. elections compared to voters without disabilities. While key public policies have been implemented and updated to improve equity in voting for voters living with disabilities, further policy intervention is required.

Under the Voter's Choice Act, California can lead the nation in voluntary policy and program implementation to increase accessibility to voting. Collaborating with community organizations, California can serve as an example for data collection on voters with disabilities and services extended to this group of voters.

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<sup>63</sup> Tusk, Bradley. 2023. "How Mobile Voting Works." *Mobile Voting*. <https://mobilevoting.org/how-mobile-voting-works/> (March 21, 2023).

<sup>64</sup> Schmidt, Sophia, and Miles Parks. 2020. "Delaware Quietly Fielded An Online Voting System, But Now Is Backing Away." *NPR*. <https://www.npr.org/2020/06/18/879210099/delaware-quietly-fielded-an-online-voting-system-but-now-is-backing-away> (March 21, 2023).

<sup>65</sup> "Remote Accessible Vote-by-Mail (RAVBM)," Remote Accessible Vote-By-Mail (RAVBM) :: California Secretary of State, accessed January 30, 2024, <https://sos.ca.gov/elections/voting-resources/remote-accessible-vote-mail>.

<sup>66</sup> Ibid.