

The Case for the Voting Rights Act: Why It Matters to Voters with Disabilities

The Voting Rights Act (VRA) of 1965 and the Voting Rights Advancement Act (VRAA) are commonly associated with discrimination based on race/ethnicity and language proficiency, the voter demographic for which the legislation was primarily intended. Yet, both significant pieces of voting rights legislation include provisions specific to people with disabilities:

Most notably, it is actually Section 208 of the original Voting Rights Act that states “any voter who requires assistance to vote by reason of blindness, disability, or inability to read or write may be given assistance by a person of the voter's choice, other than the voter's employer or agent of that employer or officer or agent of the voter's union.”

The Voting Rights Advancement Act, if passed, will also require that jurisdictions publicly notice all changes to voting laws that happen within 180 days before an election and that notice be “in a format that is...accessible to voters with disabilities, including voters who have low vision or are blind.”

Federal pre-clearance was established by the 1965 VRA to require that identified states and voting jurisdictions (with a proven record of discriminatory practices) obtain approval from the US Department of Justice before making any changes to the administration of elections. Pre-clearance has had a long-standing impact on closure and movement of polling places, districting, voter eligibility and identification standards, access to registration and balloting, and other facets of elections administration. Though not specific to voters with disabilities, these provisions collectively help determine access to the vote for all Americans, and many have been shown to have a disparate impact on voters with disabilities. The VRA and the VRAA also call for a federal observer program to monitor proper implementation of electoral processes on Election Day.

Both Acts have been in the news of late. In June 2013, the US Supreme Court handed down its ruling in *Shelby v Holder*, a landmark decision that declared VRA's formula for determining federal pre-clearance unconstitutional. Although pre-clearance provisions remain intact, this ruling effectively ended pre-clearance in the US with no mechanism for determining its application. The Voting Rights Advancement Act was introduced to restore provisions of the original 1965 Act struck down by the *Shelby v Holder* ruling.

The Voting Rights Act provides protections that matter to all voters, including voters with disabilities. The National Disability Rights Network (NDRN) is the nonprofit membership organization for the federally mandated Protection and Advocacy (P&A) systems for individuals with disabilities. The P&As were established by the United States Congress through eight separate statutes to protect the rights of people with disabilities and their families through legal



support, advocacy, referral, and education. P&As are in all 50 states, the District of Columbia, Puerto Rico, and the U.S. Territories (American Samoa, Guam, Northern Mariana Islands, and the U.S. Virgin Islands), and there is a P&A affiliated with the Native American Consortium which includes the Hopi, Navaho and Piute Nations in the Four Corner region of the Southwest. Collectively, the P&A Network is the largest provider of legally based advocacy services to people with disabilities in the United States.

The Protection and Advocacy for Voter Access (PAVA) program was established in 2002 as part of the Help America Vote Act (HAVA) to address the barriers that people with disabilities face when voting or registering to vote. Congress recognized the need to “ensure the full participation in the electoral process for individuals with disabilities, including registering to vote, casting a vote, and accessing polling places.”

The National Disability Rights Network, as a leader in access to the vote for people with disabilities, supports full restoration of the Voting Rights Act. For more information, please contact Dara Baldwin at (202) 408-9514.

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