

# Nebraska Election Accessibility

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### 1. Introduction

According to a survey done by Rutgers University, voter participation among people with disabilities during the last two presidential elections has declined – from 57.3 percent in 2008 to 56.8 percent in 2012 and 55.9 percent in 2016.[1] This is disconcerting to many advocates who have worked tirelessly to increase civic engagement among vulnerable demographics.

The largest survey to date of polling place accessibility was released October 2017 by the Government Accountability Office (“GAO”). This survey indicated that nearly two-thirds of the 137 polling places inspected on Election Day in 2016 had at least one impediment to people with disabilities.[2] In order to address the issues of a limited data set, wide ranging stigma, pervasive misunderstandings, and direct evidence of disenfranchisement, The Arc of Nebraska partnered with Civic Nebraska and Common Cause Nebraska and worked to investigate the status of Nebraska’s polling place accessibility during the 2018 elections through an election protection program. This was done with the hope that any identified issues can be addressed through advocacy, education and/or legislative remedies.

### 1. Fundamental positions

The Arc of Nebraska is a non-profit organization governed by a board that has 1500 members across 9 chapters spanning the state. Policy positions are guided by votes from the board. The Arc of Nebraska has worked for over 60 years to help ensure that people with intellectual and developmental disabilities are able to be fully engaged in the community. These positions guide our work, research, and advocacy efforts.

The Arc prioritizes 1) Self- Advocacy, 2) Self-Determination, and 3) Human Rights. The below statements encapsulate the definitions that we have set in regard to these which prioritizes voting as a necessary right for citizen engagement:

#### 1. Self-Advocacy

- Through self-advocacy groups people with intellectual and/or developmental disabilities can learn about voting and group decision making.

#### 1. Self-Determination

- Self-Advocates, have the same right to self-determination as all people and must have the freedom, authority, and support to exercise control over their lives. They must be supported, assisted, and empowered to vote and to become active members and leaders on community boards, committees and agencies.

#### 1. Human and Civil Rights

- People with intellectual and/or developmental disabilities face unique challenges, including: a history of discrimination and exclusion from meaningful choice and participation in employment, housing, voting, transportation, and other programs, activities, and services provided by the public and private sectors of society.
- We emphasize that all are entitled to human rights... These rights include...access to voting...Local, state, federal, and international governments must strongly enforce all human and civil rights.

#### 1. **Methodology**

The Arc of Nebraska brought together a coalition to help collect data consisting of these organizations: Civic Nebraska, Common Cause Nebraska, Disability Rights, Nebraska Statewide Independent Living Council, Munroe Meyer Institute, Disabled Association of Veterans, and Nebraska Consortium for Citizens with Disabilities. With this coalition, the organizations trained volunteers who worked during the election season on a wide variety of election accessibility issues as a part of larger election protection program. The venues for these trainings ranged from small meetings with advocates in Kearney, to law students in Lincoln, and online trainings through social media.

The trainings focused particularly on issues such as:

1. Misinformation regarding a ward's right to vote while they have a guardian.
2. Disenfranchisement caused by voter identification issues.
3. Typical Physical Barriers Lack of accessible parking, including:

1. No/bad ramp (not 36 inches wide).
  2. Poorly maintained parking.
  3. Doors aren't big enough for wheelchairs (32 inches).
  4. Doors are hard to open without grasping, pinching, or twisting handle.
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1. Voter privacy, including:
    1. No private space for people in a wheelchair.
    2. Voting machines turned toward a crowd and/or line.
    3. Rules regarding who a person can ask to help fill out their ballot.
- 
1. Voting machine issues, including:
    1. Are they turned on?
    2. Do the poll workers know how to turn it on?
    3. Is it working?
    4. Many people have stopped using their polling location because they know that it isn't accessible for them. That leaves poll workers who have worked many cycles not even knowing how to turn on the election machine

In total, the coalition trained and dispatched about 120 volunteers to over 235 polling locations. Here their responsibility was to observe and report upon the status of the polling places accessibility and any potentially limiting issues. This was accomplished largely through observers filling out Disability Rights Nebraska's polling place survey (Appendix A).

The Arc of Nebraska also worked to increase voter registration through education and outreach across our membership list and the broader disability community. Within the educational efforts we found that there were many misconceptions regarding who can vote and when. We also talked with many people about the benefits of vote by mail and early voting. For our members, it represents an opportunity to not have to worry about polling place accessibility, limiting poll workers, difficulty with transportation, potential untimely health issues, and easier extra time to research candidates.

This election protection program helped answer questions and addressed accessibility issues in polling places around Nebraska. The information gathered by election observers covered a variety of issues, including physical handicaps, functionality of voting machines, and intellectually disabled voters who had been improperly turned away. The information gathered also comes as the State of Nebraska receives federal dollars under the Help America Vote Act (HAVA), which ensures accessibility and security in elections.

## 1. Results

There were a wide range of results including one interesting anecdotal story. “When someone came with a wheelchair in the past, we just jerry-rigged a ramp to get them over the parking barrier,” was what one poll workers told an election observer on Election Day 2018 about how people with disabilities have had to access their polling place.

All doors are able to be opened without grasping or twisting was one category that the state struggled in. Coming in at approximately 22.58% of doors not being able to open easily shows that many doors need to be updated. Luckily of all the physical barriers new doorknobs are a relatively cheap and quick item to update.

Lack of a ramp where necessary seems to be another issue while only 8.06% were reported as being inaccessible there were 20.97% that observers were unsure. This is an issue that requires some moderate work. Ramps are slightly more difficult to repair but are undoubtedly a tremendously necessary improvement. While 8.06% is a significant number, the limitations of unpaid observers leaves us unclear about the number of polling places where this is truly an issue.

Lack of powered doors was high at 51.61%, this is a more costly remedy that is definitely an issue that covers many polling locations. With electric doors not being available this requires assistance to help get someone with a disability in the door. This coupled with the issues such as lack of proper signage shows that we need to improve our polling place locations to ensure accessible locations. The other factor with many of these improvements is that these are not just voting centers. These are county buildings, churches, community centers, and places that people regularly go to where accessibility is an issue.

Problems with voting machines came in at 11.29%, this is also an expensive improvements but absolutely necessary. Updating this election technology will be vital to ensuring a functioning and accessible democracy for all. We feel confident that our elections are secure and need the accessibility that voting machines provide.

One of the clearest trends in issues was lack of signage with only 61.29% of polling locations having signs. We also found in anecdotal responses that the information on signs, the placement of signs, and the available formats of signs offered many potential limitations. Therefore, we would like to see further clarification as to the regulations around sign usage and are discussing a bill to clarify those standards.

## **1. Conclusion**

Thanks to the leadership of advocates in Nebraska, and a collaborative spirit from the Secretary of State’s office as well as county election officials it seems that there are many positive results from our observations. The issues in which Nebraska performs well includes parking, accessible routes to the building, safe sidewalks, entrances being wide enough for a wheelchair, ready voting machines, and accessible seating. However there are several exceptions that we will be working with the Secretary of State’s Election Division to improve.

Preceding the issues we would like to discuss the difficulties faced by many of these Election Divisions. It is difficult to find enough locations that are ADA compliant, despite the federal requirements being over 20 years old.

When an election official does find a location that is available but still has issues finding funding to improve them there is now funding provided this year with the Help America Vote Act (HAVA) that will be available over the next few years to help ensure that polling places are accessible. The Elections Division of the Secretary of State’s Office has agreed to refer to the data gathered in this study to help inform their improvement decisions.

Overall, thanks to the leadership from advocates, the Secretary of State’s Office, county election officials, Senators, and concerned citizens we have many things to celebrate in regards to the accessibility of our elections. However, we must take advantage of this opportunity to make improvements where the data indicates is necessary. We should also make sure not to take any steps backwards like cumbersome identification requirements. Our hope is that with these steps Nebraska can truly become a leader in Election Accessibility across the nation. That we may better represent our State Motto “Equality Before the Law”

## Appendix A

### Appendix B

	<b>Accessible Parking</b>	<b>Clear</b>	<b>Accessible Routes</b>	<b>Safety Ramps</b>	<b>Sidewalks are Safe</b>
<b>Yes</b>	87.10%	88.71%	85.48%	62.90%	85.48%
<b>No</b>	1.61%	1.61%	1.61%	1.61%	0.00%
<b>Maybe</b>	1.61%	1.61%	0.00%	20.97%	3.23%
	<b>Accessible Entrance 32 Inches All doors able to open Ramp</b>				
<b>Yes</b>	87.10%	93.55%	67.74%	8.06%	
<b>No</b>	3.23%	0.00%	22.58%	59.68%	
<b>Maybe</b>	0.00%	0.00%	1.61%	20.97%	

	Ramp with handrails	Wheelchair accessible	Voting Area	Accessible	Open Doors	Powered Doors
<b>Yes</b>	20.97%	37.10%	0.00%	91.94%	61.29%	32.26%
<b>No</b>	9.68%	1.61%	0.00%	0.00%	12.90%	51.61%
<b>Maybe</b>	54.84%	50.00%	0.00%	0.00%	17.74%	9.68%
<b>Three Seconds Wide enough Threshold was 3/4 or less Check-in accessible</b>						
<b>Yes</b>	30.65%	80.65%	40.32%		95.16%	
<b>No</b>	4.84%	3.23%	11.29%		0.00%	
<b>Maybe</b>	51.61%	8.06%	40.32%		0.00%	
<b>Voting Machine Ready Problems Seating Signage Privately</b>						
<b>Yes</b>	83.87%	11.29%	83.87%	61.29%	59.68%	
<b>No</b>	0.00%	22.58%	1.61%	17.74%	8.06%	
<b>Maybe</b>	6.45%	51.61%	6.45%	3.23%	19.35%	

[1] L. Schur, D. Kruse, Rutgers School of Management and Labor Relations, retrieved from [https://smlr.rutgers.edu/sites/default/files/documents/PressReleases/kruse\\_and\\_schur\\_-\\_2016\\_disability\\_turnout.pdf](https://smlr.rutgers.edu/sites/default/files/documents/PressReleases/kruse_and_schur_-_2016_disability_turnout.pdf)

[2] United States Government Accountability Office, "Observations on Polling Place Accessibility and Related Federal Guidance," retrieved from <https://www.gao.gov/assets/690/687556.pdf>; see also L. Schur, T. Shields, Douglas Kruse and Kay Schriener Political Research Quarterly Vol. 55, No. 1 (Mar., 2002), pp. 167-190 (Surveyed 700 people with disabilities following the 1998 election and found that people with disabilities dropped 20 percent in comparison to people without. Lower turnout was also higher for people who are not employed and/or elderly.)