

Dealing Appropriately with Voters with Disabilities

The pollworker may encounter voters with disabilities on Election Day since about 20% of people residing in New Jersey currently have some type of disability or disabling condition. For instance, there may be voters with vision impairments, speech or language impairments, mobility concerns, physical or intellectual disabilities, mental illness, or certain health conditions. Therefore, it is important to understand what the law requires for voters with disabilities. The following guidelines should be helpful in understanding how to interact appropriately with voters with disabilities at your polling site.

The Right to Vote

By law, voters with disabilities have the same legal right to vote as everyone else regardless of their disability. No one can be denied the right to vote because of a disability. In fact, the law in New Jersey states:

- A person cannot be denied the right to vote based on the fact he or she:
 - has a specific disability (intellectual, developmental, physical, or psychiatric)
 - has a legal guardian
 - lives in an institution, group home, supported apartment, or other residential facility serving individuals with disabilities
 - requires the help of an assistance dog

Only a judge can decide a person lacks the mental capacity to vote. Again, a person must be assumed to have the capacity to vote unless a judge rules otherwise. *This determination cannot be made by a pollworker, a person's family member, a person's personal assistance worker, or other staff.* A voter with a disability cannot be required to answer questions or fill out a form to “prove” his or her mental capacity. A voter with a disability cannot be required to do anything to prove capacity. Voters with disabilities have the same right as everyone else to cast their votes on the iVo in the voting booth.

Providing Accommodations or Assistance with Voting

Under federal and state law, voters with disabilities have the right to receive “reasonable accommodations” at polling places. For example, some voters might require extra time, might need an iVo to be adjusted, or might need assistance in the voting booth. Pollworkers must know how to adjust the iVos if necessary, must know where the accessible entrances are, must know what accommodations are available and must be helpful to any voters who need assistance.

- Voters should not be asked for “proof” of their disability in order to receive accommodations.
- If a voter cannot speak or read English, and there are no bilingual pollworkers, the voter can get the assistance of some one of their choosing. If there is no one, the County Board of Elections should be contacted.

Interacting with Voters with Disabilities

Above all else, voters with disabilities should be treated with the same respect and courtesy as other voters at the polling place. **If you assist the voter in the iVo, remember you cannot disclose how he or she voted to anyone.** In addition, here are some useful tips about disability etiquette to help you interact appropriately with voters with disabilities:

- Kindly speak to the voter directly, not to a companion, personal assistant or staff member.
- Do not assume someone with a disability needs help. You should ask before helping.
- Ask the person before pushing their wheelchair.
- A person's wheelchair, scooter, or other assistive device is considered an extension of the person's personal space. Do not lean on or touch these devices without someone's express permission.
- If you are assisting someone who has a visual impairment by reading something aloud for them, you do not need to raise your voice.
- Speak slowly and directly to a person who is hard of hearing.
- Remember, animals assisting people with disabilities must be allowed to accompany the person into the building and into the booth. You should not pet or touch these animals.
- When greeting someone who has a visual impairment, let them know who and where you are. If you provide assistance to them in walking, allow the person to take your arm (do not grab the person's arm) and tell them when you are approaching stairs, when you are about to turn left or right, and warn them if there are any obstacles in the way.
- Remember to afford voters with disabilities the same privacy as other voters.
- If you believe someone is having trouble understanding you, speak slowly and clearly. Try simplifying what it is you are saying.

Special Rules for Processing Voters Who Need Assistance

Federal and state laws entitle voters who are blind, disabled, or who cannot hear to be provided with assistance in voting. When a voter requests assistance or indicates he or she is unable to read or write English, the pollworker must provide the voter with a "Disability Certificate for Assistance" (pink) form, which is included among your election supplies. The voter may choose the assistance of the pollworker. If this is the case, two pollworkers of the opposite political party should provide assistance. Remember, however, it is the voter's choice. He or she can choose to have only one poll worker assist. One pollworker must complete the "Disability Certificate for Assistance" (pink) form (see page 54). The person(s) assisting the voter cannot reveal the name of any person for whom the voter voted, or anything which took place while the voter was being assisted.

Identification Statement

If a voter is unable to write his or her name, the Identification Statement must be completed and signed by you. The Identification Statement can be found in your supply envelope (see page 53)

If a voter is unable to sign his or her name due to a physical disability, but is otherwise able to vote unassisted, the Disability Certificate must be completed and signed by the pollworker (see page 54).

Please note, the Disability Certificate is used when a voter is unable to cast his or her ballot due to a physical infirmity of any kind. The Identification Statement is for the voter who cannot sign his or her name. This could be an overlapping situation where you need to complete the two forms for the same voter. For instance, we have voters who are blind but can still write their own name. They would need only the Disability Certificate (pink form) completed. However, if the voter has lost the use of both hands and cannot write their name, you would need to complete both forms.

Assisting Visually Impaired Voters with the iVo

A visually impaired voter, or a voter who is unable to read, may choose to vote an audio ballot with the headphones. All iVotronics are programmed for audio ballots. The headphones allow the voter to hear the ballot read to them in complete privacy (see page 55).

Instructions for issuing an ADA ballot are on page 56.