

The Help America Vote Act (HAVA)

George, who uses a wheelchair, was ready and excited to vote in his local election. However, when he arrived at his assigned polling place, he discovered that it was inaccessible to him. The voting machines were located in the building's basement and the building did not have an elevator or ramp to make the room accessible to him.

Please see page 3 to learn how George used knowledge of the HAVA to exercise his right to vote.

What is the Help America Vote Act?

The Help America Vote Act (HAVA) is a law designed to improve the voting system in the United States. HAVA's main goal is to make the voting process more inclusive and accessible so that more Americans will register to vote and participate in elections.

Polling places should be accessible to individuals with disabilities to be compliant with the Americans with Disabilities Act (ADA). However, if the polling place is inaccessible and in violation of the ADA, the polling location must provide people with disabilities an alternate way to vote. This includes curbside voting where voters use a portable machine to cast their ballots. See the Resources section to find the ADA checklist for polling place accessibility.

HAVA makes the voting process more consistent from state to state and more accessible to individuals with disabilities by requiring:

- At least one voting machine, per polling place, that allows voters with disabilities to vote privately and independently
- Statewide voter registration systems
- Training that occurs prior to election day to teach poll workers about interacting with people with disabilities. This includes learning about:
 - Sensory aids and services available
 - Regulations regarding service animals
 - Accessibility requirements of each polling place
 - How to assist individuals with disabilities in the voting process, especially with accessible voting machines



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Why is HAVA important to me?

HAVA is important because it provides people with disabilities an equal opportunity to cast their vote. Due to inaccessible polls or lack of confidentiality when voting, people with disabilities may not be able to freely exercise their rights as citizens and to vote for candidates they feel would best represent and promote their interests.

For example, a person who is interested in employment for people with disabilities might want to vote for a candidate who supports the Americans with Disabilities Act and has proposed ways to strengthen this law. Lack of access to polling locations and other barriers can prevent this person from voting for the candidate of their choice. HAVA is important because its provisions allow all voters to vote privately and independently, regardless of disability.

How can I use HAVA to make my life better?

- **Educate** – Learn about your right to an accessible and equal opportunity to participate in the voting process and other rights that are protected under HAVA. Become an informed voter by learning about the candidates who are running for office before you vote.
- **Advocate** – Connect with individuals in your community to promote understanding of HAVA and advocate for accessible polling places. Contact your local election administrator, attend local government meetings to share your experiences, or join a committee of disability advocates to engage in conversations about accessible elections.
- **Influence** – Use your knowledge of HAVA to create a more inclusive and accessible voting system in your community. Exercise your right to vote and participate in elections, voting for candidates who support and uphold the rights of people with disabilities.



Photo: KD Smart Chair, <https://kdsmartchair.com/blogs/news/113952390-voting-challenges-for-wheelchair-users>

Resolution to George's Story

George asked another voter who was entering the polling place to ask a poll worker to come outside to meet with him. He explained to the poll worker that he was requesting “curbside voting” and asked that a ballot be brought to him so that he could complete it. The poll worker agreed to bring him a ballot and George was able to vote in the election.

One week after the election, George called an advocate at his local independent living center to discuss his voting experience and how to address the inaccessibility. The advocate suggested that he and George attend the next County Commission meeting to report the problem, because this commission handles election-related activities.

At this meeting, George described his experience and why his polling place was inaccessible. He proposed that the polling place be moved to an accessible location before the next election, and that all county polling sites be surveyed for accessibility.

George’s knowledge of HAVA allowed him to vote in the election despite the polling place’s inaccessibility, and he is now working to eliminate these barriers for himself and others in his community.

HAVA allows all voters to vote privately and independently, regardless of disability.

Resources to learn more about the Help America Vote Act and how to use it:

U.S. Department of Justice, The Help America Vote Act of 2002: A brief and easy-to-read description of the Help America Vote Act.

<https://www.justice.gov/crt/help-america-vote-act-2002>

Help America Vote Act: Provides a brief description and a link to the full text of the Help America Vote Act.

<https://www.eac.gov/about/help-america-vote-act/>

The Americans with Disabilities Act and Other Federal Laws Protecting the Rights of Voters with Disabilities: Brief descriptions of legislation that supports the voting rights of individuals.

https://www.ada.gov/ada_voting/ada_voting_ta.htm

ADA Checklist for Polling Places: Provides requirements for polling places to be compliant with the ADA.

<https://www.ada.gov/votingchecklist.pdf>

U.S. Election Assistance Commission, Resources for Voters: Answers to frequently asked questions and additional resources for understanding the voting process.

<https://www.eac.gov/voters/resourcesforvoters/>

Solutions for Five Common ADA Access Problems at Polling Places: Provides solutions to common barriers individuals face to accessing their polling site. Use this document to assist your poll workers and other staff to implement temporary solutions as you work to develop more permanent resolutions.

https://www.ada.gov/ada_voting/voting_solutions_ta/polling_place_solutions.htm

Voter Registration, Requirements, and Deadlines: Offers information on voter registration, voter ID requirements, and other helpful information on voting in your state.

<https://www.usa.gov/voter-registration>

ILRU Directory of Centers for Independent Living and Associations – 2017 (Vol. 39): Provides a national directory of Centers for Independent Living in the United States and its territories.

<http://www.ilru.org/projects/cil-net/cil-center-and-association-directory>

National Disability Rights Network: Select your state to find the Protection and Advocacy (P&A) System and Client Assistance Program (CAP) in your state or U.S. territory. These congressionally mandated, legally based disability rights agencies have the authority under federal laws to provide legal representation and other advocacy services for specific issues to all people with disabilities.

<http://www.ndrn.org/ndrn-member-agencies.html>

NOTE: While the HAVA applies to people with all types of disabilities, the RTC/PICL focuses mainly on the community participation and barriers of people who have mobility-related disabilities.

This fact sheet offers general information, not legal advice. The application of the law to individual circumstances can vary. For legal advice, you should consult an attorney.

The RTC/PICL is a partnership of The University of Kansas Research and Training Center on Independent Living and The University of Montana Research and Training Center on Disability in Rural Communities.



The contents of this publication were developed under a grant from the National Institute on Disability, Independent Living, and Rehabilitation Research (NIDILRR grant number 90RT5043). NIDILRR is a Center within the Administration for Community Living (ACL), Department of Health and Human Services (HHS). These contents do not necessarily represent the policy of NIDILRR, ACL, HHS, and you should not assume endorsement by the Federal Government

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