



ADA Live! Episode 36: Voting Access: What People with Disabilities Need to Know

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Presenter: Carol Francisco and Darren Jernigan, Tennessee Disability Coalition

Host: Donna DeStefano; Assistant Director, Tennessee Disability Coalition

VOICE-OVER ANNOUNCER: (Music) Welcome to WADA ADA Live! Talk radio. Brought to you by the Southeast ADA Center, your leader for information, training and guidance on the Americans with Disabilities Act. And here's your host.

DONNA DeSTEFANO: Good afternoon. And welcome to WADA ADA Live!. On behalf of the Southeast ADA Center, the Burton Blatt Institute at Syracuse University, and the ADA National Network, welcome to the 36th episode of ADA Live! Today's topic is voting access, what people with disabilities need to know. Because voting is such a timely topic, this is the third session that we have done related to voting this year.

My name is Donna DeStefano, and I am the assistant director of the Tennessee Disability Coalition. The coalition is the Tennessee State affiliate for the Southeast ADA Center.

In July, Jim Dickson, the co-chair of the National Council on Independent Living Voting Rights Committee, was our guest [for], "Talking about the Disability Vote: The Sleeping Giant Wakes Up." I encourage all of you who may have missed episode 34 to listen to the archive on our ADA Live! website at adalive.org.

Our guests today are Carol Francisco and Darren Jernigan, both of whom have been on the board of the Tennessee Disability Coalition. Carol is a retired medical secretary with about 40 years' experience. She has been a member of the American Council of the Blind for 45 years and currently is the secretary of the Tennessee state chapter. Darren is the director of government affairs with Permobil, as well as a current member of the Tennessee State House of Representatives. Darren has degrees in political

science and public relations and a master's degree in criminal justice. He has worked at the United States Department of State, Congress, and the Veterans Administration. Darren is a C5-6 quadriplegic. Carol and Darren, welcome to our show.

CAROL FRANCISCO: Thank you.

DARREN JERNIGAN: I'm happy to be here, thanks.

DONNA DeSTEFANO: Glad to have you here today. Here is my first question for you. Why is voting so important for people with disabilities? We'll have Carol go first, then Darren.

CAROL FRANCISCO: We all know that politicians talk about various minority groups, seniors, racial minorities, families, women. We are just as large a group, but you never hear them mention us. The only way they are going to change that is if we get out there in numbers, vote, and make ourselves visible.

I know that some blind and visually-impaired people vote absentee because they live in a rural area where they have trouble with transportation or they have trouble getting the necessary voter ID. This was done more often in the past when machines were not accessible and voting places were not accessible. Even today some people prefer this option. Every state sets its own absentee ballot laws. So it is important to check with your state's Secretary of State's office to know the criteria.

DONNA DeSTEFANO: Thank you, Carol. Darren, why is voting so important for people with disabilities?

DARREN JERNIGAN: Well, thanks, Donna. There are several reasons, but I think one that -- because the block voting is so important. That people with disabilities can vote together, I think we can look at someone like the NRA. It's one thing to have one vote, but when you bring as much as 1,000 votes to the table, you can shift policy. I think, two, voting in numbers for specific issues such as quality of life topics, what's medically necessary, housing, jobs, et cetera, it can change people's lives and voting in numbers shows support. And I think lastly, that organization of these voters are easily mobilized and can be easier to get to the polls, especially during early voting.

DONNA DeSTEFANO: Thank you, Darren. Both of you have served on Tennessee's Help America Vote committee. As a reminder to our listening audience, the Help America Vote Act of 2002 was passed by Congress in order to make major reforms to the nation's voting process.

HAVA, the Help America Vote Act, created new mandatory minimum standards for states to follow and provided funding to help states meet the new standards, replace voting systems, and improve election administration.

As we continue our conversation, please tell us a little bit about your experiences on that committee. We'll start with Darren this time, then Carol. Darren?

DARREN JERNIGAN: Thank you. The biggest changes I saw, and I have a physical disability so, that's kind of where I was looking at some of the changes, but I thought access to voting sites. It really helped when Secretary Darnell was really behind the committee and his administration, the administration they applied for a \$1 million grant under HAVA. They received it and were able to apply that money to poorer counties who were able to make substantive changes to the polling locations as well as make a push on education [of] election commissioners across the state for site accessibility. And that's probably where I focus on the most change.

DONNA DeSTEFANO: Thank you, Darren. Carol, tell us a little bit about your experience on the HAVA committee.

CAROL FRANCISCO: My job was [to] educate election officials about the needs of the visually impaired and to evaluate machines for accessibility. Several other blind people helped with this process. Not all machines are quality equally accessible. Once a machine was chosen, I worked with officials to have demonstrations at malls, the school for the blind, rehab agencies, and blindness organizations.

DONNA DeSTEFANO: Thank you both. My next question for you is, what do you need in order for voting to be accessible? Carol?

CAROL FRANCISCO: The voting machine needs to read in a clear voice. Headphones are used for privacy. The controls must have tactile markings so that I know what each button is used for. Screen magnification and good lighting are helpful for those who can read large print. Clear instructions must be read by the machine before voting to help new users learn the controls. It often takes more time for us to vote as we read most of the information rather than scanning it. Poll workers need to know how to set up the machines.

DONNA DeSTEFANO: Thank you, Carol. Darren, what do you need in order for voting to be accessible?

DARREN JERNIGAN: Well, as a wheelchair user, obviously I need a path -- an accessible path of travel to the voting area and to the machine itself. I need the machine to be lowered if it's in an upright position, and it's nice to have some sort of stylus or some kind of device to help me assist -- to help assist me in placing my votes. Currently [what] we have where I vote is a tabletop, so I don't have to lower it. But -- but that's probably what I need to vote.

DONNA DeSTEFANO: Thank you. With the Presidential election before us, we know that more people will be out casting their ballots. During July's episode, Jim Dickson presented data from work done by Syracuse and Rutgers Universities, including facts that showed different voting rates among different segments of the disability community. A couple of the items that he shared: People who are blind and visually impaired vote at a rate slightly lower than the able-bodied people. About 30% of people with mobility issues, intellectual disabilities, and psychiatric brain disabilities who could vote actually do vote. Yet, we also know that accessibility in all aspects of voting has been problematic for people with disabilities. What has been your experiences in the past with inaccessible voting places? We'll have Darren go first this time, then Carol.

DARREN JERNIGAN: Well, and this question kind of ties to the previous one. Early on I would have difficulty reaching the top of the machine, the voting machine, even when it was lowered and I would have to stretch and sometimes call someone in to help me hit a button. And obviously you want to be as independent as possible, and as private as possible when you're casting a vote. Parking sometimes can be frustrating with my poll not having the required number of accessible spaces. So I would have to wait or search or find a time to find a space. But those were probably early on my greatest obstacles.

DONNA DeSTEFANO: Thank you, Darren. Carol?

CAROL FRANCISCO: For most of my life it was impossible to vote independently. I had to trust a friend to vote the way I told her to. If I arrived alone, two poll workers, one from each party, would assist me, which could be quite awkward in those small booths. When I was very young I actually had an official who asked me if I could vote since I can't read a newspaper and therefore was supposedly uninformed.

DONNA DeSTEFANO: Wow. Thank you. It is really helpful to hear from both of you about your past experiences when voting. ADA Live! listening audience, if it you have a question about access to voting you can submit it at any time at our online forum at adalive.org. And now a word from our sponsors.

VOICE-OVER ANNOUNCER: Tennessee Disability Coalition provides information, training and guidance on the Americans with Disabilities Act and disability access tailored to the needs of business, government, and individuals at local, state, and regional levels. Tennessee Disability Coalition is located in Nashville, Tennessee, and serves as the Tennessee State Affiliate of the Southeast ADA Center, a member of the ADA National Network. For answers to your ADA questions, contact the ADA National Network at 1-800-949-4232.

DONNA DeSTEFANO: Welcome back to the second part of our ADA Live! program. We're talking to Carol Francisco and Darren Jernigan. Carol is a long-time advocate for the rights of people with visual disabilities and blindness. Darren is the director of government affairs with Permobil, as well as a current Tennessee State legislator. Carol and Darren, we've been discussing your thoughts on why voting is important for people with disabilities, your experiences on Tennessee's Help America Vote (HAVA) committee, as well as your needs and past experiences related to voting. My next question is, have you seen any changes at your voting place? Carol? Then Darren.

CAROL FRANCISCO: Oh, yes. Voting independently is wonderful. When I needed someone to read to me, they would say things like "this amendment is about the city council" and wouldn't take time to read it. Now I have all the information I need. The poll workers have usually known how to use the machines and are very helpful.

DONNA DeSTEFANO: Thank you. Darren, have you seen any changes at your voting place?

DARREN JERNIGAN: Well, absolutely. Especially over the years, the most visible being the new voting machines being accessible and user-friendly. I mentioned that before. They're more of a tabletop and I'm able roll right under and access with great ease. The polling officials also seem to be more trained on disability etiquette, policies and procedures, and you can -- it makes a big difference when someone is aware of your situation.

DONNA DeSTEFANO: Thank you both. My next question is what are your thoughts on how people with disabilities can find out more about accessible voting? Darren?

DARREN JERNIGAN: Well, this is a good question, since, as we speak, it's Election Day in Tennessee. Your local county election commission will be a great place to start. Also ADA.gov has great information regarding voting with a disability. I would also check out your local precinct before voting to see if it is accessible and if not, then you should address it with the county commission immediately -- not only for yourself but for others with disabilities that are going to be voting.

DONNA DeSTEFANO: Thank you, Darren. Carol, what are your thoughts?

CAROL FRANCISCO: Your local county government often has a website that can give you information, although these are not always accessible with screen reading software. The election commission should have a sample ballot on the website. If not, get a friend to read it to you, if possible. Your local Center for Independent Living can often provide you with up-to-date information about accessibility.

DONNA DeSTEFANO: Thank you, Carol and Darren, for sharing your more recent experiences and your thoughts on how people with disabilities can find out more about accessible voting. Darren, this is a question for you: If you're already at the polling place and are experiencing problems in voting, you don't really have the time to file a complaint and things like that, because you want to cast your vote. What are your thoughts on what you can do at that point?

DARREN JERNIGAN: Well, that's a good question. And you're right about timing. Especially in it the Presidential year. So crowded and busy and things can get a little bit chaotic, but if you feel like your rights are being violated or you're not able to cast your vote the appropriate way I would probably ask for a supervisor or someone who is a senior poll worker there at the time. Hopefully they would know what's going on, explain your situation and what you believe is being violated at the time. If you do not get the right answer there, each Secretary of State's office pretty much has a hotline you can call. Or you can call the county commission at that point. I'd also maybe try it to get a witness, if someone is there who can explain, they know what's going on. You can file a complaint later. There's always going to be voting going on the in the future. But we want to make sure we educate these folks. But more importantly, if you can get a provisional ballot or if you can cast your vote, try to do it if at all possible and file your complaint later. But if have an obstacle, try the hotline and hopefully they will be able to straighten that out for you.

DONNA DeSTEFANO: Thanks so much, Darren, that's very helpful. I know that at the last session that we had on ADA Live! that Jim Dickson talked about the 800 number for -- that was I believe 1-800-our, O-U-R, vote, V-O-T-E, and calling that number and speaking with an attorney.

I have another question, and Darren, Carol had already talked about absentee voting. It's certainly one of the older ways of allowing voters with disabilities to vote. What are your thoughts about absentee ballots as another method of voting if there are issues with transportation or mobility?

DARREN JERNIGAN: Well, certainly absentee voting has been around as long as we've had the military, and being able to apply absentee voting to people that actually can't get to the polls is certainly another method that can be used. For me, I like to make it the last method. with early voting with two weeks, at least in Tennessee, there's an opportunity hopefully to get there and set up time for transportation, but some folks just can't get there. And I understand that. And so it makes it very easy to fill out a ballot, send it in the mail, and have your vote cast that way. And now granted if you do that, the government will know how you voted, they have to open it up and read it and tie your name to how you voted so it's not a private as going straight to the polls but it does count. And voting counts and that's what we need to do more of, with

the apathy that we have in this country and Tennessee, we need more people voting, especially people with disabilities.

DONNA DeSTEFANO: Thanks so much, Darren, that's a really good point about the privacy with absentee ballots. I appreciate that. Thank you. ADA Live! listening audience, you can submit your questions about voting access or other ADA Live! programs at any time on adalive.org. And now a word from our sponsors.

VOICE-OVER ANNOUNCER: The Southeast ADA Center is your leader in providing information, training, and guidance on the Americans with Disabilities Act and disability access tailored to the needs of business, government, and individuals at local, state, and regional levels. The Southeast ADA Center, located in Atlanta, Georgia, is a member of the ADA National Network and serves eight states in the Southeast region. For answers to your ADA questions, contact the ADA national network at 1-800-949-4232.

DONNA DeSTEFANO: Welcome back. Carol and Darren, during our time today we have discussed your past and more recent voting experiences, as well as your thoughts on voting and voting resources for people with disabilities. We appreciate your sharing your valuable information with us. Each of you have great experiences as disability leaders on the national, state, and local levels. Now I'd like to ask each of you a separate question.

Carol, you have been a long-time advocate for the rights of people with vision disabilities and blindness. What do you think some of the critical public policy issues will be in the future?

CAROL FRANCISCO: Government has a huge effect on us, just about everything we do is regulated [by] state, local, or federal government, including regulations regarding employment, special education, funding of -- for transportation services, rehabilitation services for older blind, as well as children, public transit, as well as paratransit, and web accessibility to name just a few. On the state level, accessibility of housing, traffic signals, and the built environment are critical. And there are certainly many more.

DONNA DeSTEFANO: Thank you, Carol.

Darren, you're the director of government affairs with Permobil, as well as current Tennessee State legislator. What are your thoughts on what the can be done to grow the disability vote?

DARREN JERNIGAN: Well, that's a good question. There's a trend going on right now, and I think one would be to eliminate the voter ID laws that are currently in place. There's been some studies that show that these voter ID laws have suppressed

minority voting, including people with disabilities. In some states the voter ID law has been put in place in order to vote. It's concerning to be required to have a valid government ID in order to vote. It is difficult for a person with a disability, [with] no transportation to go to maybe two counties over to the nearest DMV, wait a couple of hours and then get transportation home. While the policy is not specific to people with disabilities, it does create an access problem for people with disabilities. There's been little to no voter ID fraud since 2000 to 2015, we've had 35 cases and over hundreds of millions of votes. It's simply a solution without a problem and it's something I think we need to address in the future.

DONNA DeSTEFANO: Thank you, Darren. Now for my final question for each of you. What would you like listeners to take away from this show? We'll go with Darren first and then Carol.

DARREN JERNIGAN: Well, register to vote. If you haven't, please do. We live in a country where people decide on who will represent them. Challenge all and any candidates where they stand on disability issues. Make them aware of your concerns. Listen to the candidate's response, then go vote appropriately. If you don't like what you hear, then organize and bring more than one vote to the table. And if you do like what you hear from a candidate, I would encourage you to get involved and volunteer on their campaign. And develop political relationships. You will find you will have a lot of influence that way.

DONNA DeSTEFANO: Thanks so much, Darren. Carol, what are your thoughts?

CAROL FRANCISCO: Encourage your friends with disabilities to register to vote and try to find volunteers to provide transportation, as paratransit will be busy on the day of voting. If your state has early voting use it as lines on voting day may be very long. Attend any town hall meetings or opportunities to meet candidates to educate them about the issues that concern us. Learn as much as you can about a candidate's record and opinions on the things that you care about so you know how to make the best choice possible.

DONNA DeSTEFANO: At this time I would like to thank Carol Francisco and Darren Jernigan, both of whom are leaders here in Tennessee, for joining us today at WADA ADA Live!. It's been a pleasure to have both of you on the show to discuss what people with disabilities need to know about voting. We appreciate your being with us and sharing such terrific information.

Thank you also for our ADA Live! listening audience. The Southeast ADA Center is grateful for your support and participation in this series of the WADA ADA Live! broadcast. Remember, you may submit questions about any of our ADA Live! topics by going to adalive.org.

If you have questions about the Americans with Disabilities Act, please contact your regional ADA Center at 1-800-949-4232. That's 1-800-949-4232. All calls are free and confidential.

Join us next month on Wednesday, October 5th, at 1:00 eastern for Episode 37. See you next month on WADA ADA Live!

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