

Testimony to the U.S. Senate Rules Committee
Regarding Electoral Reform and the
Voting Rights of Americans with Disabilities

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Russell Senate Office Building

Good morning, Chairman McConnell, Senator Dodd, and other members of this Committee. I am Bob Williams and I'd like to thank you for asking me to appear before you on behalf of United Cerebral Palsy Associations today. It is a privilege and a high responsibility to be asked to share our views and concerns on a matter of such urgent importance to our democracy. Americans with disabilities, like all others, have a vital stake in the outcome of the policy discussions taking place both here and in many State Capitols.

Before beginning, Mr. Chairman, I would like to take a moment of personal privilege, if I might, sir. Growing up I was inspired to public service by the words and deeds of John and Bobby Kennedy, Martin Luther King, Rosa Parks, Abraham Ribicoff, and Franklin Roosevelt, whose personal example of leadership and disability is now more accessible to school children with and without disabilities, alike, to learn from and emulate.

But it was a first term U.S. Representative, Chris Dodd, the son of another great member of this body, Senator Tom Dodd, who gave me my first chance to test that dream of future public service with a month-long internship in his District Office. That was July, 1976 when the tall ships came into New London harbor and the eyes of the world were on America's promise. My most lasting memories of that month, however, are not the tall ships or the Fourth of July fireworks. But, rather, of the rare opportunity I was given to prove to myself, and others far more disbelieving, that my dream of public service could in fact, one day, be reality. I thank you for that Senator.

Dr. King said it best more than a generation ago: "All of us can be great because all of us can serve." And, in America one of the most fundamental forms of service we can offer to our country, our communities, and families, is that of voting our hearts and minds in every national, state, and local election. This is a time-honored tradition that still has no equal. What the aftermath of last November's elections clearly demonstrates, however, is that it is the time-honored ways we use to carry it out, which are badly in need of repair, reform, and improvement.

All Americans, of course, will benefit from well thought out legislation designed to enhance and bring our electoral processes into the 21st Century. But, I believe that those 54 million of us with a wide range of developmental, physical, psychiatric, and sensory disabilities have the most to gain -- or for that matter, to lose -- from such legislation, depending on how it is crafted and, of course implemented, at the state and community levels.

In several polls taken over the past decade, Louis Harris has found that many people with

disabilities follow politics and public issues at a higher rate than most others. But, the polls also show that, as a group, Americans with disabilities register to vote and vote at substantially reduced rates than most other groups. Many factors explain why this paradox exists. However, issues of access to the polling place, and increasingly, access to the ballot box and the ballot itself, are high on the list.

There are several Federal statutes already on the books that should have eliminated problems of access to the polling place years ago. And, cumulatively, these four statutes -- the Architectural Barriers Act, Section 504 of the Rehabilitation Act, the Voting Access for the Handicapped Act, and the ADA -- certainly have improved things tremendously since I started to vote 25 years ago. The Motor Voter Act also holds out the significant, though still unrequited, promise of providing people with disabilities far more opportunity to register to vote than ever before.

But, the simple fact of the matter is that access to the polls is still a major problem in several States, especially in rural and very urbanized areas. Moreover, given that one of the civics lessons that came out of last November was that many States don't bother to count absentee ballots unless someone demands a full recount, we have serious concerns about the fundamental fairness of this process as well. As one who has never had to vote absentee, but advised many others on how to do so, I continue to be shocked and dismayed at this revelation.

Many Members of Congress, as well as the new Administration, Governors and State legislators, are rightly concerned about the disparate impact that various quirks in absentee ballot procedures can have on those in the armed services serving abroad. We would ask that the same vigorous attention be paid to making voting absentee a fairer process for all Americans who must rely on it.

We also believe the time has come to eradicate another set of barriers and prejudices that strip people of their most fundamental right and responsibility as American citizens. For, at every election, we hear of at least some people with disabilities either being turned away from the polls entirely, or being talked out of voting or registering to vote for no other reason than they have an obvious disability. In about half the States, people who have had legal guardians appointed for them cannot, by law, vote at all. And, while on its face such a prohibition might seem logical and even necessary to protect the integrity of the election process, the way it is applied is far too broad brush.

There are many reasons why a guardian might be appointed for a person with a disability. Many of which have nothing to do with the individual's capacity to comprehend and cast their vote. Yet, in many instances, it is easier for convicted felons to have their voting rights restored than it is for many people with disabilities to legally cast a ballot in some States. I would, therefore, urge this Committee and others in Congress to work with the Administration, State election officials, the disability community and others to closely examine and hopefully develop some reasonable ways of remedying this problem.

Our final set of concerns, as I said, is if States and communities are going to receive Federal funding to update and purchase new voting technology, in whatever form that takes, it

needs to be accessible. There are certain basic elements that many of us in the disability, civil rights, and voting rights communities believe need to be included in any serious electoral reform bill in Congress.

The first is, of course, an explicit prohibition against any practice that deprives people of the right to register or vote on the basis of race, ethnicity, disability, gender, or of any other partisan or prejudicial nature.

There are a couple ways this could be accomplished, neither of which, in my view, should be seen as mutually exclusive. The first such approach is that of including a very strong statement of finding by Congress that any policy or practice that disenfranchises any American is a serious offense against our democracy and cannot be tolerated. Second, there needs to be a very explicit restatement of Federal civil rights law. That is, taken together, the voting rights act, Section 504, the ADA and, of course, the equal protection clause, provide a sweeping mandate in this regard. I'd argue this needs to be said very explicitly in legislation, rather than merely report language, based on the history we have just gone over.

Similarly, we believe the electoral reform proposals need to also restate and make extremely clear that States and communities getting funding to improve their electoral processes, need to do at least the following in respect to ensuring equal access to the polls to all Americans, including those of us with disabilities.

First, they need to have their polling places in accessible buildings. If for some extreme but valid reason a particular poll can not be made accessible or move to an accessible location, then there should be other ways such as curbside voting offered as an accommodation. But this should be a rare exception; not the rule. It's 2001. ADA is a decade old. Section was enacted when I was in high school and the Architectural Barriers Act went into effect when I was in segregated special ed class, housed in a church rather than the public school, where our kind was not yet welcomed.

The point being that some election officials have been saying for over 30 years, they need more time to find accessible voting places. Justice delayed this long is, quite simply, justice denied. Any electoral reform legislation enacted into law, therefore, needs to at the very minimum, make achieving access to the polling place a crucial and non-negotiable prerequisite to receiving Federal assistance for making such reforms and improvements.

Similarly, such legislation needs to require that States and communities take pro-active steps to assure universal access as well to both the ballot box, and the ballot itself. The senior Senator from Connecticut can certainly tell you how much having access to the device I am using has meant. Technology at its finest is a lot like freedom. Once it's uncorked, its fruits are there for everyone's enjoyment and benefit. But, technology that is not accessible and readily useable by all can both marginalize and deeply divide us as a people and a nation. This was, I believe, one of the saddest lessons we need to learn from what happened in Florida.

Fortunately, I think this is an area where the disability community has a great deal of knowledge and experience to share with the rest of the nation. The basic tenets of universal design which were first applied to designing and constructing public buildings, parks,

transportation systems, and the like have now been adapted and applied to the design and development of all kinds of technology, including the Internet itself. Three Federal agencies – the Access Board, responsible for developing accessibility guidelines under ADA, the Federal Communications Commission, and the General Services Administration, continue to be on the leading edge of these efforts. We would, therefore, strongly recommend that Congress seek their advice as well as others on how best to achieve this vital national objective.

I fear I have used up both my time and welcome. I would, though, be most pleased to respond to any question or concern that the Committee might like to raise, either at this hearing or in writing. Thank you.