



DISABILITY RIGHTS
PENNSYLVANIA

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**Pennsylvania Senate State Government Committee Hearing on
Election Law Legislation
April 30, 2019
Harrisburg, Pennsylvania**

**Testimony of Disability Rights Pennsylvania
Presented by: Peri Jude Radecic
Chief Executive Officer**

Chairman Folmer, Chairman Williams, and members of the Senate State Government Committee:

My name is Peri Jude Radecic. I am the Chief Executive Officer of Disability Rights Pennsylvania. Disability Rights Pennsylvania is the federally mandated Protection and Advocacy agency in our state. Disability Rights Pennsylvania has fulfilled our protection and advocacy role for 42 years by providing legal and advocacy services to people with disabilities in institutions and community settings. Our mission is to protect and advocate for the rights of people with disabilities so that they may live the lives they choose, free from abuse, neglect, discrimination, and segregation.

On behalf of Disability Rights Pennsylvania and our communities, we thank you for taking the lead with the introduction of a package of bills that focus on election reform.

People with disabilities vote. More want to vote but run into transportation barriers, accessibility barriers or voting machine problems, just to name a few, that keep us from exercising our right to vote.

One of our colleagues in Oklahoma, Nancy Ward, Oklahoma People First and Disability Rights Oklahoma says, "Having a disability is not the problem with voting, it is having the accessible equipment, accessible location, and the respect to do so,".

Protecting and advancing the rights of people with disabilities

Thank you for the opportunity to discuss the election reform bills in front of the Senate State Government Committee today. My comments are drawn from the proposals before the Committee and decades of experience working directly with individuals with disabilities on access to the ballot through the federal Help America Vote Act and other state and federal laws.

In order to move our testimony along, I have arranged the bills in three categories. The first category are bills that we support or have no comment to offer. The second category are bills that we support but believe could be made better to improve the voting access of people with disabilities with a small amendment. The third category are bills that require a more robust conversation about amendments to the bills for increased access to the ballot for people with disabilities.

Disability Rights Pennsylvania Supports – No Changes Senate Bills 412, 413, 418, 417, 421, and 422

S.B. 412, Disqualifications for Service as Election Officer
Disability Rights Pennsylvania supports the expanded pool of individuals who can serve as election officers.

S.B. 413, Constitutional Amendment Providing for Tenure of Justices, Judges, and Justices of the Peace.
No opinion on whether the name of the elector appears on a separate judicial ballot or in a separate column on the voting machine.

S.B. 417, Manner of Computing Irregular Ballots
Disability Rights Pennsylvania has no opinion.

S.B. 418, Number of Ballots to be Printed
Disability Rights Pennsylvania has no opinion.

S.B. 421, Elimination of Straight Ticket/Party Voting in Pennsylvania
Disability Rights Pennsylvania has no opinion.

S.B. 422, Pennsylvania Election Law Advisory Board
Disability Rights Pennsylvania supports the creation of the board.

Disability Rights Pennsylvania Supports – With Minor Changes Senate Bills 415, 420

S. B. 415, Permanent Early Vote List

Disability Rights Pennsylvania supports this legislation. This is an important step in ensuring individuals with disabilities who want to vote absentee can do so on a regular basis without the barrier of having to request a ballot every election. Optional vote by mail is a great means to increase participation and guarantee access for all.

We would ask Senator Folmer and the Committee to retain the current process where the application for an absentee ballot is created by the Department of State and thus standardized across all 67 counties.

S.B. 420, Voter Registration Eligibility Notification for Younger Pennsylvanians

Disability Rights Pennsylvania supports this legislation and requests one modification. This is a critical step in the civic engagement of young persons in our elections.

Most states allow 16- and 17-year-olds to transmit an application to vote to the Department of State, in the same way as anyone else, but their names are withheld from poll books until the election at which they come of age. At that point in time, county election boards would mail these voters a Voter Registration ID card, and add their names to the poll books, and thus they are eligible to vote. Pennsylvania should do the same.

Including voter registration discussions in as many places and forums as possible will increase voter registration for young adults and hopefully increase involvement in the voting process.

Disability Rights Pennsylvania Would Support with Significant Change(s) Senate Bills 411, 414, 416, 419

Senate Bill 411, Constitutional Amendment – Absentee Ballots

This bill does not expand access to absentee voting rather, it simply eliminates current Constitutional guarantees to vote absentee by people with disabilities and others unless they are away from their municipality on election day. We ask that the process be simplified in the Constitution and that the requirement that an individual must be out of the municipality be removed. Pennsylvania should move to a “no excuse” absentee ballot state. Language should state that, “The legislature shall, by general law, provide a manner in which, and the time and place at which, qualified electors may, on the occurrence of any election, choose to vote by absentee ballot.”

We remain concerned at the impediments that people with disabilities face when trying to exercise their right to vote. Transportation barriers, accessibility issues at their polling places, and poll workers who are unfamiliar with the accessible features on voting equipment make it more difficult for the disabled to vote. Pennsylvania should be a leader in expanding access to the right all people to exercise their right to vote private and independently.

Senate Bill 414, Absentee Ballots and Voting by Mail

We are supportive of the premise to expand access to absentee ballots and to give voters more time to return absentee ballots. However, we believe that the current draft requires clarification. As drafted, there are two deadlines to return mail ballots. If voting by mail, it must be postmarked before the election, and also allows voters to drop off absentee ballots by 8pm on Election Day. The rules should be consistent and as inclusive as possible to ensure that voters have access to voting and to ensure that voters are clear on when they must return their ballots to be counted. DRP has advised individuals on Election Day throughout the past decade on how to cast an absentee ballot if they are unexpectedly facing a medical situation. Someone may find themselves in the hospital, nursing home, rehabilitation facility, or E.R. and need an absentee ballot because they are unable to leave to vote at their polling location. We recommend that any ballot that is post-marked on Election Day count as a valid vote.

Moreover, it is crucial that any expansion of access to absentee ballots must require that absentee ballots be accessible for all citizens. Absentee ballots need to be accessible to people with visual and cognitive disabilities so that these individuals are also able to vote privately and independently. Voters with disabilities are the only group of eligible absentee voters that must go to a polling location if they wish to vote privately and independently. Non-disabled voters can vote independently from home whereas voters with disabilities often cannot. This is unequal access to the ballot. We request that the Department of State be required to offer an accessible online ballot.

Senate Bill 416, Vote Centers/Curbside Voting

We have significant concerns on this proposed legislation and the overlap with federal laws that ensure that people with disabilities are not discriminated against. Curbside voting is permitted but not at the expense of accessible polling sites.

The Department of State and the counties are not freed from their federal obligations under the Americans with Disabilities Act (ADA) and other federal laws to ensure accessible polling places because they can offer curbside voting. Curbside voting is an accommodation, not a replacement for the ADA and voting at a polling site. We have submitted for the record a study that we conducted regarding accessibility issues of polling places throughout the Commonwealth. Physical accessibility of polling places continues to be an issue for individuals with disabilities across the state. We cannot create a situation where inaccessible polling sites continue to exist simply because curbside voting is available. This denies people with disabilities equal access to voting.

Many of the proposed changes regarding voter assistance have the potential to intimidate voters with disabilities and their assistants. Voters with disabilities are entitled to assistance under the law and we have received calls from voters who are harassed or intimidated when requesting assistance at the polls. Any legislation that aims to expand access to voting must not include any language that potentially creates a situation where a poll worker could question the legitimacy of a disabled individual's need for assistance and deny them the right to vote.

Senate Bill, 419, Consolidation of Smaller Precincts

Modifications to polling places can be made to ensure ADA compliance. Decisions about consolidation should not be made without a proper analysis. There was a documented incident in 2018 when one county made a decision to use the ADA to move precincts based on ADA compliance. It was later determined that a proper ADA analysis was never conducted and the decision may have been racially motivated. The disability community, including our national organization, the National Disability Rights Network, condemned the action by election officials. If this legislation were to pass, DRP would be vigilant to ensure that disability would not be used to as a wedge between civil rights communities.

There must be proper guidance issued and a thorough analysis of who would be conducting the ADA compliance surveys, what their qualifications are, and that there be appropriate training to ensure that a site is truly compliant or non-compliant with federal law.

We also echo the concerns of Keystone Votes and recognize that voters should be able to vote in person if they choose. As they state, an elimination of in-person voting takes away voters' choice and paper ballots are inaccessible for voters with disabilities.

We thank you again for the opportunity to participate in this important conversation about election reform.

As part of our testimony, we have entered into the record, two important reports Disability Rights Pennsylvania issued about voting access. The first is a report on polling place accessibility and the second is a report on voting technology. Both reports were produced in collaboration with the Pennsylvania Developmental Disabilities Council, Centers for Independent Living, and the Pennsylvania Disability Voting Coalition.

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