

Context

- Tennessee is home to 1.7 million people of voting age living with disabilities – this is nearly 1 in 3 residents of the state.
- Tennessee had the second lowest voter turnout for persons with disabilities in the country
- The turnout gap between persons with disabilities and those without remained stubbornly high
 - 2018 - Nationwide, the gap is 4.7%
 - 2016 – 1.7%
 - 2018 – Tennessee, the gap is 13%
 - 2016 – 6.2%
 - This voter gap is the 5th worst gap in the country
- Of those who were able to cast their vote, 30% of persons with disabilities experienced difficulty in doing so
 - This is 3.5 times the rate of persons without disabilities
- Controlling for age, gender, race, marital status and education level, Rutgers found that this gap remains
 - This means that the voter turnout gap is not the result of other forces, but a function of obstacles facing persons with disabilities to casting their vote

Accessibility

- Obstacles – “Voters with disabilities in Tennessee face numerous obstacles related to the physical accessibility of polling places, as well as the accessibility of ballots and the operability of voting machines .”
 - Physical accessibility of polling places
 - Persons with disabilities were 18 times more likely to report difficulty getting into and navigating a polling site
 - GAO – only 17% of poll sites surveyed nationwide were free of physical impediments to persons with disabilities inside and outside the facility
 - Disability Rights Tennessee found that only 13% of polling sites surveyed in Tennessee were accessible
 - Waiting times in line also proved to be an impediment
 - In Tennessee, 8% of voters reported waiting over 30 minutes to vote in the 2016 general election,
 - Ballot and voting machine accessibility – beyond the physical accessibility of polling places, voters with disabilities may face barriers to obtaining and completing an accessible ballot, as well as the availability of functioning accessible voting machines.
 - Nationally, voters with disabilities were 13 times more likely to have difficulty seeing or reading the ballot. This equates to 199,000 Tennessean voters with disabilities.
 - Similarly, voters with disabilities were 15 times more likely to have difficulty signing a ballot, equating to over 76,000 Tennesseans with disabilities.
 - Further, up to 175,000 Tennessean voters with disabilities would have trouble understanding how to use the voting machine, and 22,000 would have difficulty operating the machines, all disproportionately higher than voters without disabilities.

Access to registration, election materials and candidate information

- Obstacles – “it’s disproportionately burdensome to persons with disabilities to register to vote, legally cast a ballot and obtain candidate information”
 - Tennessee’s new strict voter ID laws present a disproportionate burden on individuals with disabilities
 - Law requires that voters present a state or federally issued form of identification in order to cast a vote
 - Approximately 10% of persons with disabilities nationwide do not have a photo ID that would permit them to vote under these rules
 - This would equate to 170,000 Tennessean voters with disabilities could be disenfranchised because they lack this form of ID
 - Tennesseans without a photo ID are unable to register online to vote because the state says they would be unable to match signatures
 - The state’s ameliorative action – free state issued ID’s for the purpose of voting – is especially burdensome for persons with disabilities
 - The need for this form of identification implies that a person with a disability would not have a driver’s license that permits them to independently travel to a driver service center
 - More likely to be dependent on somebody to drive them
 - Persons with disabilities are more likely to live in rural areas where driver service centers are few and far between
 - Public transportation in Tennessee ranks 39th in the country, and has been graded at a D+, compounding the need for assistance in transportation
 - Tennesseans living with disabilities may have difficulty obtaining proof of residence bearing their name
 - Tennesseans living with disabilities that live receive some forms of assistive residential support may not have forms like these at hand and ready
 - Persons registering to vote for the first time by mail or by online voter registration website must vote in person unless they qualify for and are on the permanent absentee voting list
 - Persons Approximately 12,000 Tennesseans with disabilities will be between the ages of 18-20 and approaching their first opportunity to vote
 - The lack of access to absentee voting puts persons with disability at risk by requiring in-person voting
 - May also dissuade registering or attempting to vote in the expectation of difficulty in casting a ballot
 - Accessible candidate websites

- During the Presidential primaries for the 2020 election, the ACLU found that zero candidates had fully accessible websites as of February of this year
- As of now, neither candidate running in the Senate race to replace Lamar Alexander has an accessible website

Attitudes and Expectations

- Obstacles – “Voters with disabilities experience underestimation of ability, assumptions of disinterest, doctrinal obstacles, experience feelings of low self-efficacy or hold expectations that the voting experience will be present frustratingly impassable barriers to participation”
 - Bell et al found that service providers have failed to provide instruction or assistance to individuals with intellectual and developmental disabilities because they believe that those persons would not be able to understand political issues
 - Service providers assume that voting is not an important need for individuals with Intellectual and developmental disabilities
 - This contradicts the current focus of service providers to teach decision-making and problem-solving skills
 - These also contradict defunct and disproven theories and stigmas about the capacity for self-determination in persons with IDD
 - A lack of accessibility and the increased burdens to casting a vote also send the message that voters with disabilities are not welcome and their votes are not important, discouraging and depressing voter turnout
 - For individuals who had not voted at a polling place in the last ten years (as of 2012), 40.1% of voters with disabilities cited expected difficulties casting a ballot as their reason, 33 times higher than those without disabilities (1.2%)
 - Powell found that interest in politics and political participation in non-voting activities – campaigning, calling representatives, political organization membership – was no different for persons with and without disabilities
 - However, controlling for all factors, still found that the presence of disability was a major contributor in the voting gap between those with and without disabilities
 - This means that the burden placed on voters with disabilities to actually cast a vote is the source of the turnout gap.

Systemic Barriers

- “The state of Tennessee also presents voters with disabilities with systemic barriers to casting a vote, including a lack of accessible transportation, uncertainty around polling site availability and inequality facing persons with disabilities.”
 - Accessible transportation – Tennessee ranks 39th in Public Transportation access according to AllTransit
 - In 2016, the American Society for Civil Engineers gave Tennessee a D+ for the effectiveness of its public transportation systems
 - This lack of effective public transportation is more prominent in rural areas
 - Effectiveness of accessible public transportation programs varies by county
 - System can be overwhelmed on Election Days
 - Persons with disabilities were more than twice as likely to report transportation problems prevented them from casting their vote on election day
 - Voters with disabilities were almost 4 times more likely to say that they had trouble finding or getting to their polling location on election day
 - Persons with disabilities who chose not to vote were 64 times more likely say that they expected difficulty getting to the polling place– 12.8% to .2%
 - Uncertainty around polling sites
 - As a result of the March 3rd tornado, the Tennessee Legislature passed a law that permitted counties to consolidate county polling sites into large “super sites”
 - Election officials can change the voting location up to 10 days before the election
 - Super sites have been associated with long lines and wait times – both problems for voters with disabilities – in neighboring states like Kentucky and Georgia
 - Super sites may force some voters to travel longer distances – another problem for persons with disabilities
 - Last minute changes, long lines and distance to polling sites are all known to reduce voter turnout, which exacerbates the already extant obstacles experienced by voters with disabilities
 - Threatening language and other voter suppression
 - Secretary of State website has large notice threatening legal action against persons providing absentee ballots to others
 - This may dissuade caregivers, DSP’s, residential facilities and family members from helping persons with disabilities obtain an absentee ballot request form
 - This also prevents organizations from engaging in voter registration and get out the vote drives – these organizations

typically benefit marginalized minority populations, such as the disability community

Lack of resources

- Availability of polling place workers
 - Currently, Tennessee is in need of 16000-17000 additional poll workers
 - Age requirement for poll workers dropped from 18 to 16
 - Younger poll workers may have less experience working polls, including less experience working with persons with disabilities, with accessible voting machines and other accommodations, and less experience with rules and protections for persons with disabilities
 - Poll workers are expected to work a 12 hour shift
 - This limits the number of poll workers with 12 hour weekday availability
 - Poll workers are more likely to make errors and mistakes late in shifts
- Lack of effective accessibility training
 - Single training for three hours
 - Training is unlikely to be able to be held in person and with machines
- Nursing homes
 - Nursing home rules related to COVID may prevent bipartisan team of poll workers from entering to administer voting
 - If poll workers are not allowed in, they must deputize and train, on the spot, nursing home workers to administer the ballot
 - Incorrectly completed or processed ballots are at risk of being thrown out, disenfranchising those voters

What is the state of Tennessee currently doing that supports voters with disabilities?

- The state recently used HAVA funds to purchase new voting machines with accessible features that were rolled out in 16 counties statewide
 - Upgraded machines helps to ensure that they are more likely to be fully accessible with the most up-to-date accessibility features, and that they are more likely to be working and fully functional on election day
- Accessible time off
 - Persons with disabilities are more likely to be employed in jobs, such as service occupations, that have less flexibility in assigned work hours
 - State law requires that workers are permitted up to three hours of paid time off to vote on election day, making it easier for persons holding jobs with inflexible work hours to vote
- Accessible ballot
 - Tennessee rolled out print accessible absentee voting ballot request forms and ballots this summer. This allows persons with disabilities that hinder reading or marking paper ballots alternatives that make casting an absentee vote accessible.
 - Persons seeking an accessible ballot for persons with print disabilities complete a screen-reader compatible application and are emailed an electronic ballot to be completed, printed and mailed back to the county election office.
- TN Accessible Transportation and Mobility Act of 2020
 - This law creates a new office within the Department of Transportation that is tasked with increasing and improving access to accessible transportation in the state.
 - The law is limited in creating systemic change, only mandating that the office is created, a mission statement is drafted, a five year plan is developed and a report is conducted examining the state of accessible transportation in the state.

Despite these recent efforts, massive barriers to voting with a disability remain in the state. Fortunately, there are numerous short- and long-term changes and policies that can be explored to alleviate some of the burden placed on voters with disabilities in the state of Tennessee.

- Increased access to absentee voting
 - Allow for no-excuse absentee voting – this allows persons with disabilities privacy in disclosing a disability, reduces their paperwork burden and limits reliance on others to prove disability status
 - Allow more avenues to return a completed absentee ballot, including hand delivery to a voter drop box, county election commission office, polling place, etc.
 - Allow for surrogates to turn in sealed absentee ballots
 - Forego postage fees on mailed absentee ballots
- Other forms of convenience voting
 - Allow for curbside voting for voters with disabilities – election officials bring an absentee ballot to the person in their car who completes the ballot, then the election official returns the ballot and submits it
 - Allow early in-person absentee voting – voters request an absentee ballot and can drop it off at polling places up to 15 days before the election. This reduces the likelihood of long lines, inaccessible parking, limited transportation or overburdened poll-workers.
 - Vote centers – universally accessible one-stop-shops for casting ballots, registering, dropping off absentee and resolving voter registration and ballot issues for sometimes 10 days or more before the election
 - Allow for same day registration – this allows voters with disabilities to make fewer trips in order to register to vote
- Poll worker training reform
 - More persons with disabilities becoming poll workers
 - Increased mandated training in how to help voters with disabilities
 - Including accessible features on voting machines
- Accessibility standards and support for candidates
 - Candidate education disability awareness
 - Accessible quality information about election decisions
- Make it easier for voters to obtain and use valid ID's for registration and voting
 - Voters without valid picture ID can sign an affidavit swearing by their identity
 - Voters without valid picture ID can cast a provisional ballot and return a signed document that was mailed to their eligible address to compare signatures (and count the vote)
 - Allow for voters to use non-state or federally issued ID's to vote
 - Increase the number of government offices and officials that are valid and capable of creating a picture ID that is sufficient for voting

- This may include deputized librarians at libraries, nurses at senior centers, police officers or county social workers who may make home visits or agents at government benefits offices
- Continue to replace older machines to ensure that they are fully functional and available to voters with disabilities come election day

Takeaway message

The state of the disability vote in Tennessee is a one of unfulfilled promises, partially protected rights and vast spaces for improvement. The experiences of Tennesseans with disabilities in enacting their civic responsibility and constitutional right to vote should be thought of as the canary in the coal mine. The problems faced by voters with disabilities are the problems of all Tennesseans. When the state of Tennessee looks at inaccessible polling sites, with potholed parking lots, long lines and inadequate entryways, they should consider the 1.7 million voting age Tennesseans who live with a disability and the 13% voter turnout gap that exists today. When the state of Tennessee looks at inoperable accessible voting machines, untrained poll workers and the statewide push for paper ballots, they should consider the estimated 1.9 million voters who may need polling place accommodations by the year 2030. When the state of Tennessee looks at their voter ID rules that are burdensome and unforgiving for voters with disabilities, they should consider Black and Latinx voters, voters with inflexible work schedules, voters living in poverty, aged voters and voters in rural areas who also face onerous barriers to obtaining a valid photo ID. When the state of Tennessee looks at its sorry public transportation systems, its packed highways and aging infrastructure, they should consider their commitment to ensuring that all persons can even get to their polling place, let alone enact their right to vote. The state of Tennessee should listen hard to the singing of the canary in the coal mine and consider where it stands on what it is saying.

The face of the disability vote is the face of the forgotten vote, the discouraged vote and the silenced vote. But it is indeed a powerful vote. When we fight to ensure that all Tennesseans with disabilities have free and fair access to the vote, we are moving everybody in our state toward the ideals of freedom, equality, self-determination and liberty.