

The Case for the Voting Rights Act: Why It Matters to Voters with Disabilities

The Voting Rights Act (VRA) of 1965 and the Voting Rights Advancement Act (VRAA) are commonly associated with discrimination based on race/ethnicity and language proficiency, the voter demographic for which the legislation was primarily intended. Yet, both significant pieces of voting rights legislation include provisions specific to people with disabilities:

Most notably, it is actually Section 208 of the original Voting Rights Act that states “any voter who requires assistance to vote by reason of blindness, disability, or inability to read or write may be given assistance by a person of the voter's choice, other than the voter's employer or agent of that employer or officer or agent of the voter's union.”

The Voting Rights Advancement Act, if passed, will also require that jurisdictions publicly notice all changes to voting laws that happen within 180 days before an election and that notice be “in a format that is...accessible to voters with disabilities, including voters who have low vision or are blind.”

Federal pre-clearance was established by the 1965 VRA to require that identified states and voting jurisdictions (with a proven record of discriminatory practices) obtain approval from the US Department of Justice before making any changes to the administration of elections. Pre-clearance has had a long-standing impact on closure and movement of polling places, districting, voter eligibility and identification standards, access to registration and balloting, and other facets of elections administration. Though not specific to voters with disabilities, these provisions collectively help determine access to the vote for all Americans, and many have been shown to have a disparate impact on voters with disabilities. The VRA and the VRAA also call for a federal observer program to monitor proper implementation of electoral processes on Election Day.

Both Acts have been in the news of late. In June 2013, the US Supreme Court handed down its ruling in *Shelby v Holder*, a landmark decision that declared VRA's formula for determining federal pre-clearance unconstitutional. Although pre-clearance provisions remain intact, this ruling effectively ended pre-clearance in the US with no mechanism for determining its application. The Voting Rights Advancement Act was introduced to restore provisions of the original 1965 Act struck down by the *Shelby v Holder* ruling.

The Voting Rights Act provides protections that matter to all voters, including voters with disabilities. The National Disability Rights Network supports full restoration of the Voting Rights Act.