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## ELDERLY VOTERS

# Some Improvements in Voting Accessibility from 2000 to 2004 Elections, but Gaps in Policy and Implementation Remain

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Highlights of [GAO-08-442T](#), a testimony before the U.S. Senate Special Committee on Aging

## Why GAO Did This Study

Voting is fundamental to our democratic system, and federal law generally requires polling places for federal elections to be accessible to older voters and voters with physical disabilities. Following reports of problems encountered in the close 2000 presidential election with respect to voter registration lists, absentee ballots, ballot counting, and antiquated voting systems, the Help America Vote Act of 2002 (HAVA) was enacted. Among other provisions, HAVA includes requirements for the accessibility of voting systems, effective January 1, 2006.

In the past, GAO has published several reports on issues related to voting access for older voters. Our prior work, including on-site inspections of a national sample of polling places in election year 2000, a comprehensive review of the election system in 2004, and a review of transportation issues facing seniors, has identified a number of potential barriers to voting for older Americans, as well as accommodations and progress in a number of areas. Drawing from prior work, GAO's testimony will focus on (1) a variety of factors that affect the ability of older voters to travel to polling places, cast their votes in the voting room, or avail themselves of alternative voting provisions and (2) trends and changes regarding the accessibility of polling places and alternative voting methods.

To view the full product, including the scope and methodology, click on [GAO-08-442T](#). For more information, contact Barbara D. Bovbjerg at (202) 512-7215 or [bovbjergb@gao.gov](mailto:bovbjergb@gao.gov); or William O. Jenkins at (202) 512-8777 or [jenkinsw@gao.gov](mailto:jenkinsw@gao.gov)

## ELDERLY VOTERS

### Some Improvements in Voting Accessibility from 2000 to 2004 Elections, but Gaps in Policy and Implementation Remain

#### What GAO Found

Ensuring that older voters or other individuals with disabilities successfully cast their votes in an election requires that policymakers think broadly about access. This includes access with respect to transportation, polling places, voting equipment, and alternative voting methods. During the 2000 election, most polling places we inspected had one or more potential impediments that might prevent older voters and voters with disabilities from reaching voting rooms, although curbside voting accommodations were often made available. Additionally, our 2000 review of state provisions and practices related to accessible voting systems and accommodations in the voting room revealed that provisions to accommodate individuals with disabilities varied from state to state and may vary widely in their implementation. A 2004 GAO report also found transportation gaps in meeting the needs of seniors, which may create a barrier to voting for many elderly voters, and a lack of data on the extent of unmet needs.

Since the passage of HAVA and the subsequent 2004 election, we have identified a number of reported efforts taken to improve voting access for people with disabilities. In particular, our 2006 report on election systems shows a marked increase in state provisions addressing the accessibility of polling places, voting systems, and alternative voting methods. However, the degree of change in accessibility is difficult to determine, in part because thousands of jurisdictions have primary responsibility for managing elections and ensuring an accurate vote count, and the complexity of the election system does not ensure that these provisions and reported practices are reflective of what occurs at polling places on election day.

Understanding and addressing accessibility gaps represent enormous tasks for state and local election officials who are challenged by the multiplicity of responsibilities and requirements they must attend to within resource constraints. At the same time, as the population ages and the percentage of voters with disabilities expands, the expectation of accommodation and assistance to participate in this basic civic exercise will grow, making accessibility a key performance goal for our election community.



United States Government Accountability Office  
Washington, DC 20548

January 31, 2008

Mr. Chairman and Members of the Committee:

We appreciate the opportunity to participate in today's hearing on older Americans' access to voting. Voting is fundamental to our democratic system, and federal law generally requires polling places for federal elections to be accessible to all eligible voters, including older voters and voters with physical disabilities. In particular, the Voting Accessibility for the Elderly and Handicapped Act requires that, with a few exceptions, local election jurisdictions assure that polling places used in federal elections are accessible, in a manner as determined by the state, to the elderly and voters with disabilities. These requirements can present a challenge to state and local election officials because achieving accessibility—which is affected by the type of impairment and various barriers posed by polling place facilities and voting methods—is part of a larger set of challenges they face in administering elections on a periodic basis. Following reports of problems encountered in the close 2000 presidential election with respect to voter registration lists, absentee ballots, ballot counting, and antiquated voting systems, the Help America Vote Act of 2002 (HAVA) was enacted. Among others, HAVA contains provisions to help facilitate voting for individuals with disabilities, many of whom are also elderly, including requirements for the accessibility of voting systems used in elections for federal office, effective January 1, 2006, and authorizing the appropriation of funding for payments to states to improve the accessibility of polling places.

Our testimony today will focus on a number of factors that affect the ability of older voters to travel to polling places, enter polling places, and cast their vote once they arrive in the voting room; or to avail themselves of alternative voting provisions, including absentee and curbside voting. It will also describe trends and changes regarding accessibility of polling places and alternative voting methods—as manifested in state provisions or reported in surveys and discovered during site visits—since the 2000 election. As agreed, our statement will draw from the broad array of prior work that has a bearing on voting access for older voters, including our 2001 report on accessibility of polling places for election year 2000,<sup>1</sup> our

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<sup>1</sup> GAO, *Voters with Disabilities: Access to Polling Places and Alternative Voting Methods*, GAO-02-107 (Washington, D.C.: Oct. 15, 2001).

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2004 report on transportation-disadvantaged seniors,<sup>2</sup> our 2006 report covering a range of election issues as of election year 2004,<sup>3</sup> our 2007 testimony on electronic voting system challenges,<sup>4</sup> and our 2008 report on bilingual voting assistance.<sup>5</sup> The GAO reports on which this testimony is based were conducted in accordance with generally accepted government auditing standards. The scope of this testimony will not cover accessibility for older voters with cognitive impairments, nor will it cover registration challenges for older voters.

Overall, our work prior to the 2004 general election—including on-site inspections of a national sample of polling places in election year 2000 and a review of transportation issues facing seniors—has identified a number of potential barriers to voting for older Americans. We found transportation gaps in meeting the needs of seniors and lack of data on the extent of unmet needs. Significantly, we found that most polling places we inspected had one or more potential impediments for people with mobility impairments—only 16 percent had no impediments—although some provided for curbside voting. Since the passage of HAVA, and after the 2004 election, we surveyed state and local election jurisdictions and identified a number of reported efforts taken to improve voting access for people with disabilities.<sup>6</sup> In particular, we found a marked increase in state provisions addressing accessibility of polling places and voting systems, and alternative voting methods, such as curbside and absentee voting. However, achieving accessibility in the polling place and with respect to voting systems is complicated by the fact that thousands of jurisdictions have primary responsibility for managing and conducting elections and ensuring an accurate vote count. We have not examined the extent to which the improvements reported by state and local election jurisdictions since November 2000 have been implemented and, thus, do

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<sup>2</sup> GAO, *Transportation-Disadvantaged Seniors: Efforts to Enhance Senior Mobility Could Benefit from Additional Guidance and Information*, [GAO-04-971](#) (Washington, D.C.: Aug. 30, 2004).

<sup>3</sup> GAO, *Elections: The Nation's Evolving Election System as Reflected in the November 2004 General Election*, [GAO-06-450](#) (Washington, D.C.: June 6, 2006).

<sup>4</sup> GAO, *Elections: All Levels of Government Are Needed to Address Electronic Voting System Challenges*, [GAO-07-741T](#) (Washington, D.C.: Apr. 18, 2007).

<sup>5</sup> GAO, *Bilingual Voting Assistance: Selected Jurisdictions' Strategies for Identifying Needs and Providing Assistance*, [GAO-08-182](#) (Washington, D.C.: Jan. 18, 2008).

<sup>6</sup> Oregon has, since 1998, conducted its elections almost exclusively by mail ballot; thus, it has no polling places.

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not know the extent to which they have yielded improved accessibility of polling places and voting systems.

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## Background

The proportion of older people in the United States who may face challenges exercising the right to vote is growing. As of 2003, there were almost 36 million individuals aged 65 or older (12 percent of the population), and the majority have at least one chronic health condition. By 2030, those aged 65 and over will grow to more than 20 percent of the population. Disability increases with age, and studies have shown that with every 10 years after reaching the age of 65, the risk of losing mobility doubles.<sup>7</sup> In many ways, lack of mobility and other types of impairments can diminish seniors' ability to vote without some assistance or accommodation. With increased age, seniors will become more limited in their ability to get to polling places by driving, walking, or using public transportation. Once seniors arrive at the polling places, they may face additional challenges, depending on the availability of accessible parking areas, accessibility of polling places, type and complexity of the voting equipment, availability of alternative voting methods (such as absentee voting), and the availability of voting assistance or aids.

Responsibility for holding elections and ensuring voter access primarily rests with state and local governments. Each state sets the requirements for conducting local, state, and federal elections within the state. For example, states regulate such aspects of elections as ballot access, absentee voting requirements, establishment of voting places, provision of election day workers, and counting and certifying the vote. The states, in turn have typically delegated responsibility for administering and funding state election systems to the thousands of local election jurisdictions—more than 10,000 nationwide—creating even more variability among our nation's election systems.

Although state and local governments are responsible for running elections, Congress has authority to affect the administration of elections. Federal laws have been enacted in several major areas of the voting process, including several that are designed to help ensure that voting is accessible for the elderly and people with disabilities. Most importantly, the Voting Accessibility for the Elderly and Handicapped Act (VAEHA),

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<sup>7</sup> See Wan He, Manisha Sangupta, Victoria A. Velkoff, and Kimberly A. DeBarros, *65+ in the United States: 2005*, Current Population Reports Special Studies, pp. 23-209 (Washington, D.C.: Dec. 2005).

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enacted in 1984, requires that political subdivisions responsible for conducting elections assure that all polling places for federal elections are accessible to elderly voters and voters with disabilities (with limited exceptions). Any elderly voter or voter with a disability assigned to an inaccessible polling place, upon his or her advance request, must be assigned to an accessible polling place or be provided with an alternative means for casting a ballot on the day of the election. Under the VAEHA, the definition of “accessible” is determined under guidelines established by each state’s chief election officer, but the law does not specify what those guidelines shall contain or the form those guidelines should take. Additionally, states are required to make available voting aids for elderly and disabled voters, including instructions printed in large type at each polling place, and information by telecommunications devices for the deaf. The VAEHA also contains a provision requiring public notice, calculated to reach elderly and disabled voters, of absentee voting procedures.

HAVA also contains a number of provisions designed to help increase the accessibility of voting for individuals with disabilities. For example, under HAVA, voting systems for federal elections must be accessible for individuals with disabilities in a manner that provides the same opportunity for access and participation as for other voters. To satisfy this requirement, each polling place must have at least one voting system equipped for individuals with disabilities. In addition, the Secretary of Health and Human Services is required to make yearly payments (in an amount of the Secretary’s choosing) to each eligible state and unit of local government, and such payments must be used for (1) making polling places (including path of travel, entrances, exits, and voting areas) accessible to individuals with disabilities, and (2) providing individuals with disabilities with information about the accessibility of polling places. The Act also created the U.S. Election Assistance Commission (EAC) to serve, among other things, as a clearinghouse and information resource for election officials with respect to the administration of federal elections. For example, the EAC is to periodically conduct and make available to the public studies regarding methods of ensuring accessibility of voting, polling places, and voting equipment to all voters, including individuals with disabilities. Under HAVA, the EAC is also to make grants for carrying out both research and development to improve various aspects of voting equipment and voting technology, and pilot programs to test new technologies in voting systems. To be eligible for such grants, an entity must certify that it will take into account the need to make voting equipment fully accessible for individuals with disabilities.

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The Voting Rights Act of 1965 (VRA), as amended, provides for voter assistance in the voting room. Specifically, the VRA, among other things, authorizes voting assistance for blind, disabled, or illiterate persons. Voters who require 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.

Other laws also help to ensure voting access for the elderly and people with disabilities—albeit indirectly. For example, Title II of the Americans with Disabilities Act of 1990 (ADA) and its implementing regulations require that people with disabilities have access to basic public services, including the right to vote. However, it does not strictly require that all polling place sites be accessible. Under the ADA, public entities must make reasonable modifications in policies, practices, or procedures to avoid discrimination against people with disabilities. Moreover, no individual with a disability may, by reason of the disability, be excluded from participating in or be denied the benefits of any public program, service, or activity. State and local governments may comply with ADA accessibility requirements in a variety of ways, such as by redesigning equipment, reassigning services to accessible buildings or alternative accessible sites, or altering existing facilities or constructing new ones. However, state and local governments are not required to take actions that would threaten or destroy the historic significance of a historic property, fundamentally alter the nature of a service, or impose undue financial and administrative burdens. In choosing between available methods of complying with the ADA, state and local governments must give priority to the choices that offer services, programs, and activities in the most integrated setting appropriate.

Title III of the ADA covers commercial facilities and places of public accommodation. Such facilities may also be used as polling places. Under Title III, public accommodations must make reasonable modifications in policies, practices, or procedures to facilitate access for individuals with disabilities. They must also ensure that no individual with a disability is excluded or denied services because of the absence of “auxiliary aids and services,” which include both effective methods of making aurally and visually delivered materials available to individuals with impairments, and acquisition or modification of equipment or devices. Public accommodations are also required to remove physical barriers in existing buildings when it is “readily achievable” to do so, that is, when it can be done without much difficulty or expense, given the entity's resources. In the event that removal of an architectural barrier cannot be accomplished

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easily, the accommodation may take alternative measures to facilitate accessibility. All buildings newly constructed by public accommodations and commercial facilities must be readily accessible; alterations to existing buildings are required to the maximum extent feasible to be readily accessible to individuals with disabilities.

Finally, the Older Americans Act of 1965 (OAA), as amended, supports a wide range of social services and programs for older persons. The OAA authorizes grants to agencies on aging to serve as advocates of, and coordinate programs for, the older population. Such programs cover areas such as caregiver support, nutrition services, and disease prevention. Importantly, the OAA also provides assistance to improve transportation services for older individuals.

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## Transportation Challenges Become More Acute with Aging and Can Limit Seniors' Ability to Reach Polling Places

For older adults who wish to vote at polling places, access to the polls is highly affected by their ability to travel to the polling place on election day. While most older adults drive, their physical, visual, and cognitive abilities can deteriorate, making it more difficult for them to drive safely. One study found that approximately 21 percent (6.8 million) of people aged 65 and older do not drive,<sup>8</sup> and another study found that more than 600,000 people aged 70 and older stop driving each year and become dependent on others for transportation.<sup>9</sup> According to senior transportation experts, the “oldest of the old” (those aged 85 and older) are especially likely to be dependent on others for rides, particularly if they are also in poor health.

For those who do not or cannot drive, our previous work for this committee on the mobility of older adults identified other options than driving that are available; nevertheless, transportation gaps remain.<sup>10</sup> Consistent with the Older Americans Act and other legislation, the federal government provides some transportation assistance, but this is largely to provide older adults with access to other federal program services—such as health and medical care or employment. This has been done through

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<sup>8</sup> U.S. Department of Transportation, Bureau of Transportation Statistics, 2001 *National Household Travel Survey*.

<sup>9</sup> Daniel J. Foley, MS, Harley K. Heimovitz, PhD, Jack M. Guralnik, MD, PhD, and Dwight B. Brock, PhD, “Driving Life Expectancy of Persons Aged 70 Years and Older in the United States,” *American Journal of Public Health*, vol. 92, no. 8 (2002).

<sup>10</sup> [GAO-04-971](#).



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partnerships with local agencies, nonprofits, and other organizations that provide transportation services and also contribute their own funds. Such partnering efforts may afford the opportunity to transport seniors to polling places as well. For example, the Montana Council on Developmental Disabilities partners with other organizations, such as AARP and the Montana Transit Association, to provide election day rides to older adults and people with disabilities. Still, we generally found that older adults in rural and suburban areas have more restricted travel options than do those in urban areas. In addition, we have reported that federally supported programs generally lacked data identifying the extent to which older adults have unmet needs for mobility. Consequently, we do not know to what extent older adults are unable to find transportation to polling places.

To address this lack of data and improve transportation services, more than 45 states had utilized the “Framework for Action” by 2005,<sup>11</sup> a self-assessment tool created by the Federal Interagency Coordinating Council on Access and Mobility (CCAM) for states and communities to help them identify existing gaps in transportation services for people with disabilities, older adults, and individuals with lower incomes. According to the CCAM, communities across the country are now using this tool as they establish coordinated transportation plans at the local level. Voting access is one need that might well be identified and better met through this assessment process.

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**Physical Access to Polling Places Was Uneven during Election 2000, but May Have Improved since HAVA Was Enacted in 2002**

Our on-site inspections of polling places in the 2000 general election revealed many impediments that can limit access for older voters and voters with disabilities. Through our mail survey of states and local election jurisdictions conducted after the 2004 general election, we learned of improvements to provisions and practices pertaining to accessibility of polling places. We did not conduct on-site inspections in

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<sup>11</sup> The Framework for Action was developed by what is now known as the Federal Interagency Coordinating Council for Access and Mobility, a body with senior leadership from 11 federal departments and agencies that are charged with coordinating transportation services provided by federal programs and promoting the maximum feasible coordination at the state and local levels. In addition, the Department of Health and Human Services’ Administration on Aging and the Department of Transportation’s Federal Transportation Administration created a toolkit for state and local planners to help them assess older adults’ transportation needs and to coordinate transportation services, organized around the Framework for Action planning process.

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An Estimated 16 Percent of  
Polling Places Used in the 2000  
General Election Had No  
Potential Impediments

the 2004 general election and therefore do not know the extent to which such improvements took place at polling places.

Once older voters reach the polling place, they generally must make their way inside the building and into the voting room in order to cast their votes. Prior to the 2000 election, very little was known about the accessibility of polling places—and what was known was dated and had significant limitations. To estimate the proportion of polling places in the country with features that might either facilitate or impede access for people with mobility, dexterity, or visual impairments, we visited 496 randomly selected polling places in the United States on Election Day 2000. Our random sample was drawn by first selecting a random sample of counties—weighted by population—and then randomly selecting some polling places within those counties. At each polling place, using a survey based on federal and nonfederal guidelines on accessibility, we took measurements and made observations of features of the facility and voting methods that could impede access.<sup>12</sup> See figure 1 for the key areas at polling places where we conducted our observations. We also interviewed poll workers who were in charge of the polling place to identify any accommodations offered.

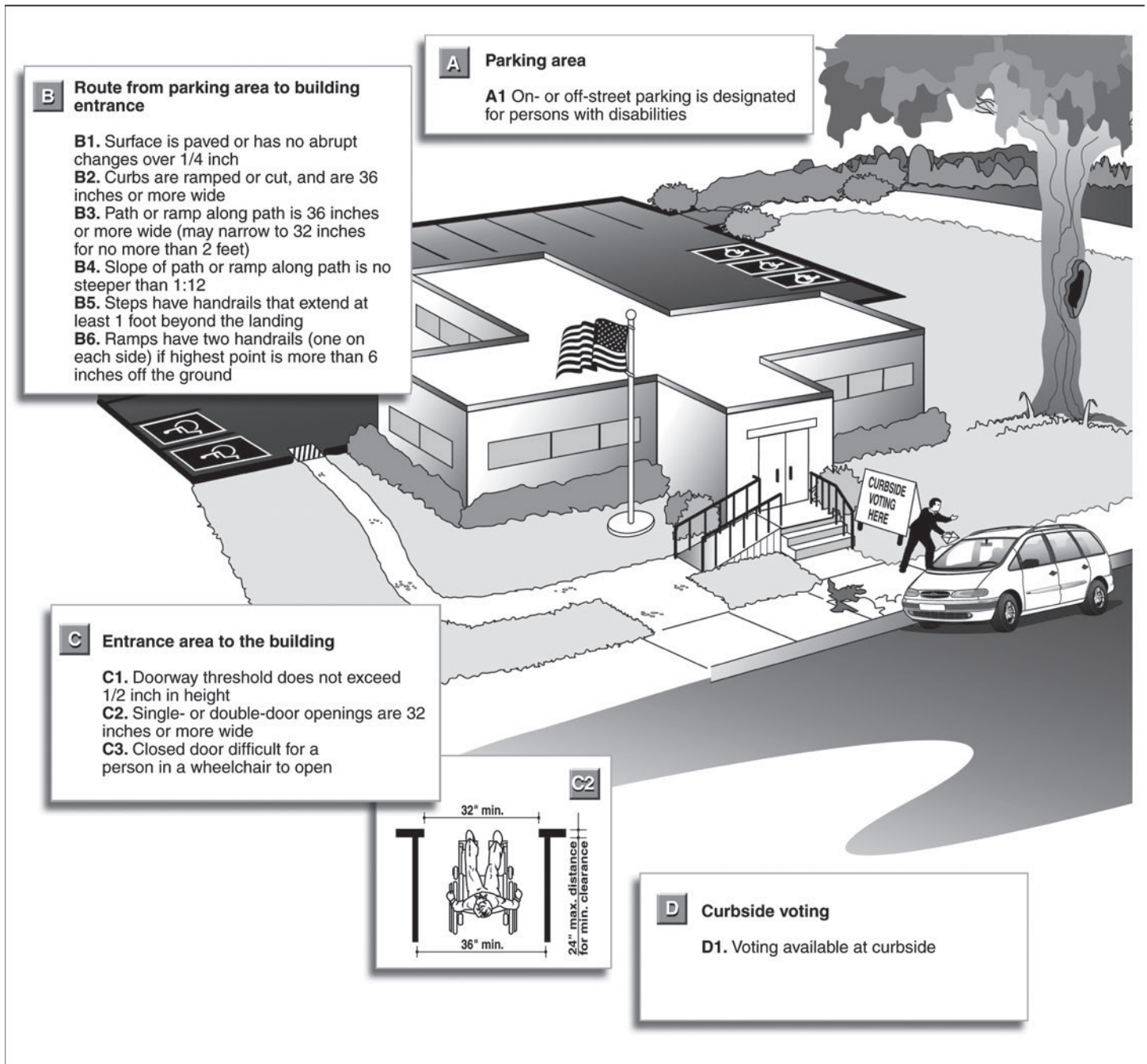
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<sup>12</sup> For additional details on our methods, see [GAO-02-107](#), app I.

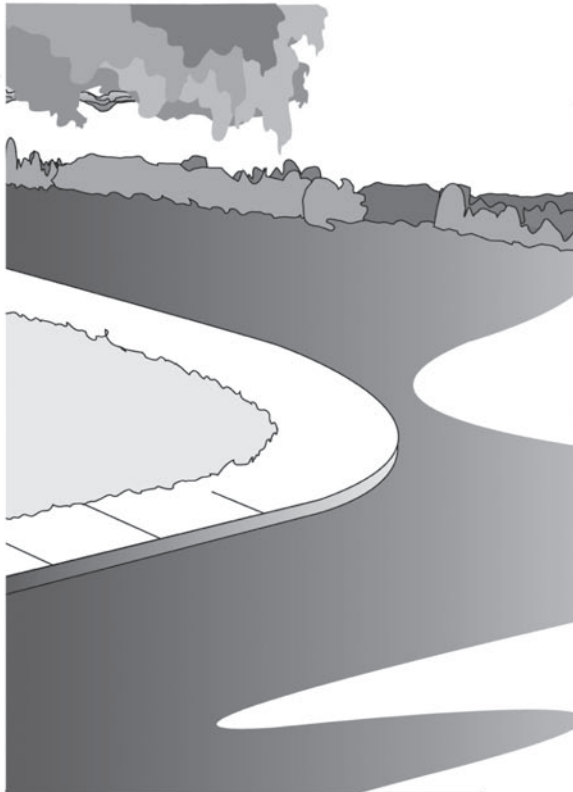
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**Figure 1: Key Features at Polling Places**



Source: GAO-02-107, pp 24-25.

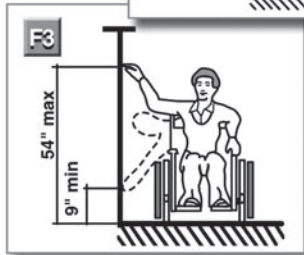
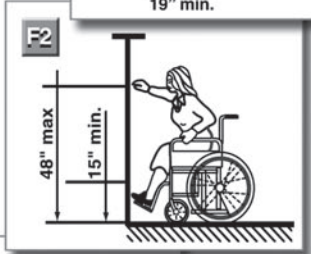
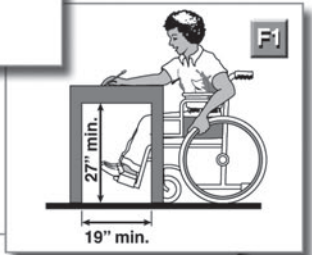


**F Voting stations**

**F1.** Voting stations configured for sitting can accommodate a wheelchair

**F2.** Voting stations configured for standing have forward reach no lower than 15 inches and no higher than 48 inches

**F3.** Voting stations configured for standing have side reach no lower than 9 inches and no higher than 54 inches



**E Route from inside the building entrance to the voting room**

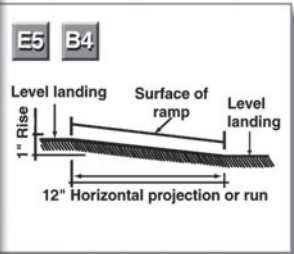
**E1.** Doorway threshold does not exceed 1/2 inch in height

**E2.** Single- or double-door openings are 32 inches or more wide

**E3.** Steps are not required to reach the voting room

**E4.** Corridors have clearances 36 inches or more wide (may narrow to 32 inches for no more than 2 feet)

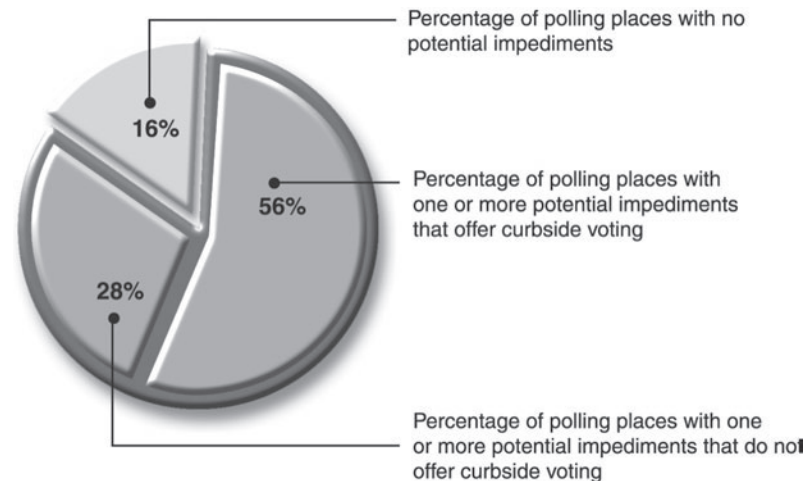
**E5.** Slope of ramp no steeper than 1:12



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These on-site inspections during the 2000 election revealed that only an estimated 16 percent of polling places were free of impediments that might prevent elderly voters and voters with disabilities from reaching voting rooms.<sup>13</sup> The rest had one or more likely impediments from the parking area to the voting room, although curbside voting was often made available where permitted by the state (see fig. 2). These were potential impediments primarily for individuals with mobility impairments.

**Figure 2: Prevalence of Potential Impediments at Polling Places and Availability of Curbside Voting in November 2000 Election**



Source: GAO-02-107, p. 8; GAO analysis of polling place data collected on Nov. 7, 2000.

Note: These potential impediments are located along the route from the parking area to the voting room.

Further, many polling places had more than one potential impediment in 2000. Impediments occurred at fairly high rates irrespective of the type of building used as a polling place. About 70 percent of all Election Day 2000 polling places were in the types of facilities that are potentially subject to either Title II or III of the ADA—such as schools, recreational/community

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<sup>13</sup> Sampling errors for polling place data range from 3 to 10 percentage points, unless otherwise noted in this report.

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centers, city/town halls, police/fire stations, libraries, and courthouses.<sup>14</sup> However, under the ADA, only new construction and alterations must be readily accessible, and we did not determine the date that polling place facilities were either constructed or altered. Moreover, due to the number of possible approaches for meeting ADA requirements on accessibility to public services and because places of public accommodation need remove barriers only where it is easy to do so, we cannot determine from our data whether the potential impediments we found would constitute a failure to meet ADA requirements.

In addition to inspecting polling places in 2000, we also reviewed state provisions (in the form of statutes, regulations, or policies) and surveyed state and county practices that affect voters' ability to get into polling places and reach the voting room, and found significant variations. While all states and the District of Columbia had provisions concerning voting access for individuals with disabilities, the extent and manner in which these provisions addressed accessibility varied from state to state. For example, 43 states had provisions that polling places must or should be accessible, but only 20 had provisions requiring that reporting by the counties to the state on polling place accessibility. See table 1 in app. I for additional state provisions concerning the accessibility of polling places in the November 2000 election.

Our survey of election officials in each state and 100 counties also revealed variation in practices for ensuring the accessibility of polling places.<sup>15</sup> For example, while 25 states reported providing local governments with training and guidance for assuring polling place accessibility, only 5 states reported helping finance polling place modifications to improve access in 2000. At least an estimated 27 percent of local election jurisdictions reported not using accessibility in their criteria for selecting polling places. While at least an estimated 68 percent

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<sup>14</sup> As noted previously, Title II, Subtitle A, which applies to state and local governments, requires that public programs, services, and activities be accessible to individuals with disabilities (42 U.S.C. §§12131-34). Title III requires reasonable modifications in policies, practices, or procedures to be made by public accommodations to achieve accessibility for people with disabilities (42 U.S.C. §12182(b)(2)(A)(ii)). Also, new construction and alteration of existing facilities by state and local governments, public accommodations, and commercial facilities generally must be readily accessible to individuals with disabilities (42 U.S.C. §12183(a)).

<sup>15</sup> Sampling errors for county survey data generally range from 4 to 25 percentage points. We generally presented the lower bound of the estimate when the sampling error was large. For details, see [GAO-02-107](#), app I.

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New Provisions and Practices  
May Be Improving Access to  
Polling Places, although the  
Degree of Change Is Difficult to  
Determine

of local jurisdictions reported that they inspected all polling places, the frequency of such inspections varied from once a year to only when a polling place is first selected or following a complaint or remodeling.

After the November 2004 general election, we found signs of improvement in access to polling places when we surveyed each state and representative sample of local election jurisdictions nationwide in 2005 about their state provisions and practices.<sup>16</sup> While the methods we used to collect data from states differed between the 2000 and 2004 elections, state provisions related to polling place accessibility and accommodations nevertheless appear to have increased over time. For example, 32 states told us in 2005 that they required local jurisdictions to report on polling place accessibility to the state, an increase from 20 states with such provisions in 2000. At the same time, the number of states requiring polling place inspections decreased by 1 from 2000 to 2004, although 16 in addition to the 28 requiring inspections had provisions in 2004 that allowed for polling place inspections. See Table 2 in app. I for additional information on state provisions concerning accessibility of polling places and accommodations for individuals with disabilities for the November 2004 general election.

In addition to changes in state provisions, most states reported that they had spent or obligated HAVA funds to improve the accessibility of polling places, such as by providing access for voters with mobility or visual impairments. Responding to our 2005 survey following the 2004 election, 46 states and the District of Columbia reported having spent or obligated HAVA funds for this purpose. For example, election officials in a local jurisdiction we visited in Colorado told us they had used HAVA funds to improve the accessibility of polling places by obtaining input from the disability community, surveying the accessibility of their polling places, and reviewing voting equipment with representatives of the blind community.

From our 2005 survey of local election jurisdictions nationwide, we estimated 83 percent of local jurisdictions nationwide made use of their state's provisions to determine the requirements for accessibility at their

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<sup>16</sup> For our 2005 local election jurisdiction survey, we used a stratified random probability sample. For details, see [GAO-06-450](#), apps. III, IV and V.



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Election Officials Reported Challenges to Ensuring Voter Access That Were Similar to Those Encountered in 2000

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polling places.<sup>17</sup> During our site visits to local jurisdictions in 2005, we asked election officials to describe the steps or procedures they took to ensure that polling places were accessible.<sup>18</sup> Election officials in many of the jurisdictions we visited told us that either local or state officials inspect each polling location in their jurisdiction using a checklist based on state or federal guidelines. For example, election officials in the four jurisdictions we visited in Georgia and New Hampshire told us that state inspectors conducted a survey of all polling locations. Election officials in the two jurisdictions we visited in Florida told us that they inspected all polling places using a survey developed by the state.

Our information of provisions and practices related to polling place accessibility in 2004 is based on self-reported data collected, and site visits we conducted, in 2005. We did not observe polling places during the 2004 election and therefore do not know the extent to which increased state provisions and reported state and local practices resulted in actual improvements to the accessibility of polling places in the 2004 general election.

In preparing for and conducting the November 2004 general election, officials reported encountering many of the same challenges to ensuring voter access that they had encountered in 2000, such as locating a sufficient number of polling places that met requirements (such as accessibility). According to our 2005 mail survey, while 75 percent of small jurisdictions reported finding it easy or very easy to find sufficient number of polling places, only 38 percent of large jurisdictions did.<sup>19</sup> Conversely, 1 percent of small jurisdictions found it difficult or very difficult while 14

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<sup>17</sup> Unless otherwise noted, the maximum sampling error for estimates of all local election jurisdictions from this survey is plus or minus 5 percentage points. For more details on this survey, see [GAO-06-450](#), apps. III and V.

<sup>18</sup> We visited 28 local election jurisdictions to collect information about the election administration process and their experiences during the November 2004 general election. For more details, see app. IV of [GAO-06-450](#).

<sup>19</sup> Unless otherwise noted, the maximum sampling error for estimates for large population jurisdictions from this survey is plus or minus seven percentage points, plus or minus 7 percentage points for medium population jurisdictions, and 5 percentage points for small jurisdictions.

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percent of large jurisdictions did.<sup>20</sup> Other challenges reported included recruiting and training an adequate supply of skilled poll workers, designing ballots that were clear to voters when there were many candidates or issues (e.g., propositions, questions, or referenda), having long lines at polling places, and handling the large volume of telephone calls received from voters and poll workers on election day. In general, officials in large and medium jurisdictions—those with over 10,000 people—reported encountering more challenges than those in small jurisdictions.

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### Improving Accessibility of Voting Equipment and Assistance in Voting Room May Prove Challenging

Once inside the voting room, the type of voting method can pose particular challenges to some elderly voters, and facilitating voting may require further accommodation or assistance. For example, voters with dexterity impairments may experience difficulty holding writing instruments for paper ballots, pinpointing the stylus for punch card ballots, manipulating levers, or pressing buttons for electronic voting systems. Similarly, visually impaired voters may experience difficulty reading the text on paper ballots and electronic voting systems, or manipulating the handles to operate lever machines. All these voting methods can challenge voters with disabilities, although some electronic voting systems can be adapted to accommodate a range of impairments.

### Accessible Voting Systems in the November 2000 General Election

During our on-site inspections of polling places in 2000, we identified challenges posed by the voting systems used and by the configuration of the voting booths, although some form of assistance was generally provided in the voting room. With respect to voting systems, we found that either traditional paper ballots or mark-sense ballots (a form of optical scan paper ballots) were the most widespread—one or the other were in use at an estimated 43 percent of polling places. This voting method is challenging for voters with impaired dexterity who have difficulty using a pen or pencil, and also for voters with visual impairments who need to read the text on the ballots. Next in prevalence were punch card ballots (21 percent), electronic voting systems (19 percent), and lever machines

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<sup>20</sup> For this survey, large jurisdictions are defined as those with a population over 100,000, medium jurisdictions have a population of over 10,000 to 100,000, and small jurisdictions have a population of 10,000 or less. In 2004, 7,627 of the nation's election jurisdictions had a population of 10,000 or less. While small jurisdictions represent the majority of local election jurisdictions, nearly all are in states that contained a small portion of the U.S. population according to Census 2000. Local election jurisdictions with over 10,000 people comprised 27 percent of all election jurisdictions in the United States, but nearly all were in states that comprised a large portion of the population.

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(17 percent)—each of which can be a challenge for voters with certain impairments. We also found that many voting booths were not appropriately configured for wheelchairs, either because voting stations configured for sitting did not have the minimum dimensions for a wheelchair or those configured for standing had one or more features that might pose an impediment to a wheelchair. At the same time, nearly all polling places allowed voters to be assisted either by a friend or a poll worker, which is a right granted by the VRA. Moreover, about 51 percent provided voting instructions or sample ballots in 18-point or larger type and about 47 percent provided a magnifying device.<sup>21</sup> None of the polling places provided ballots or voting equipment adapted with audio-tape or Braille ballots for blind voters.

Our 2000 review of state provisions and practices related to accessible voting systems and accommodations in the voting room revealed significant gaps, insofar as 27 states lacked provisions that voting systems should accommodate individuals with disabilities, 18 lacked provisions for wheelchairs in voting booths, and many lacked provisions to provide aides to the visually impaired; for example, 47 states lacked a provision to provide a large type ballot, and 45 lacked a provision to provide a Braille ballot. (See app. I, table 1.) On the other hand, we found that state provisions were not necessarily predictors of practice inside the polling place. For example, we found that half the polling places we visited provided voting instructions or sample ballots with large type even though only 3 of the 33 states whose polling places we visited had provisions to do so. Conversely, none of the polling places we visited provided for Braille ballots, even though 5 of the 33 states we visited had provisions for doing so. In addition to many states lacking provisions for voting room accommodations, in only 11 states did election officials, in response to our state survey, report financing improvements to accessibility by helping to fund new voting systems.

### Progress Made to Improve Accessibility of Voting Systems after 2000, but Significant Challenges Remain

Our 2005 survey of states also revealed an increase in state provisions for accessible voting equipment, compared to what we found in our review of state provisions in 2000. As of August 1, 2005, 41 states and the District of Columbia reported having laws in place or having taken executive action (through orders, directives, regulations, or policies) to provide each polling location by January 1, 2006, with at least one electronic voting system or other voting system equipped for individuals with disabilities.

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<sup>21</sup> Sampling error of plus or minus 11 percentage points at the 95 percent confidence level.

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Five of the 9 remaining states reported plans to promulgate laws or executive action to provide each polling location with at least one voting system equipped for individuals with disabilities.<sup>22</sup> This is an increase from 2000, when 24 states had (and 27 lacked) provisions that voting systems must or should accommodate individuals with disabilities.

In response to our survey of local election jurisdictions in 2005, many jurisdictions reported having at least one accessible voting machine per polling place in the 2004 election, although this varied by jurisdiction size. We estimated that 29 percent of all jurisdictions provided at least one accessible voting machine at each polling place during the 2004 general elections. In addition, more large and medium local election jurisdictions reported using accessible voting machines than small jurisdictions. In 2005, we estimated that 39 percent of large jurisdictions, 38 percent of medium jurisdictions, and 25 percent of small jurisdictions provided accessible voting machines at each polling place.<sup>23</sup>

These improvements may be the result of HAVA, which, as noted earlier, requires each polling place to have at least one voting system equipped for individuals with disabilities, including individuals who are blind or visually impaired. To facilitate the adoption of technology, HAVA authorized appropriations to provide funds to states to replace punch card and lever voting equipment with other voting methods. Since HAVA's enactment, the General Services Administration (GSA) reported in 2003 the distribution of an estimated \$300 million to 30 states for funds to replace old voting equipment and technology. In addition, states may receive other HAVA funds that could be used for multiple purposes, including replacement or upgrade of voting systems. In 2004, the EAC reported that almost \$344 million had been distributed to each of the 50 states and the District of Columbia under this multiple purpose funding category.

HAVA notwithstanding, our surveys and site visits in 2004 indicated that significant challenges remain for acquiring and implementing accessible electronic voting systems. Touch screen direct recording electronic (DRE) equipment—which can be adapted with audio and other aids to

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<sup>22</sup> The 5 states that reported having plans were Kansas, Louisiana, Ohio, Oklahoma, and Wyoming. The 4 remaining states that reported having no plans or were uncertain about their plans were Delaware, Massachusetts, Missouri, and Tennessee.

<sup>23</sup> The differences between both large and medium jurisdictions and small jurisdictions are statistically significant.

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accommodate a range of impairments—is generally more costly than other types of systems due to software requirements and because more units are required. Based on our mail surveys of local election jurisdictions, the estimated percentages of predominant voting methods used by local jurisdictions in the 2000 and 2004 general elections did not change appreciably.<sup>24</sup> As we noted earlier, more large and medium local election jurisdictions reported using accessible electronic voting machines than small jurisdictions. Some election officials representing small jurisdictions expressed concerns to us about the appropriateness of HAVA requirements for accessible voting equipment for their jurisdictions and its implementation cost. In addition, some elections officials have acted on concerns regarding the reliability and security of electronic voting systems by, for instance, decertifying systems previously approved for use within their states.

In 2007, we testified on the range of security and reliability concerns that have been reported, and long-standing and emerging challenges facing all levels of government, with respect to electronic voting systems. For example, significant concerns have been raised about vague or incomplete standards, weak security controls, system design flaws, incorrect system configuration, poor security management, and inadequate security testing, among other issues. Jurisdictions reported that they did not consistently monitor the performance of their systems, which is important for determining whether election needs, requirements, and expectations are met and for taking corrective actions when they are not. Finding remedies, however, is challenging, given, for example, the distribution of responsibilities among various organizations, and financing constraints and complexities. Given the diffused and decentralized allocation of voting system roles and responsibilities across all levels of government, addressing these challenges will require the combined efforts of all levels of government, under the leadership of the EAC.

States Have Increased Provisions for Voting Rooms Accommodations, though the Extent of Such Improvements Is Unclear

Our 2005 survey of state election officials revealed a marked increase since the 2000 election in the number of state provisions related to accommodations in the voting room. For example, the number of states that reported having provisions for wheelchair accommodations in voting areas was 43, compared to 33 in 2000. Further, the number of states that

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<sup>24</sup> We defined the predominant voting method as one that processed the largest number of ballots regardless of when the vote was cast: on general Election Day, as a provisional vote, during absentee voting, or during early voting. See [GAO-06-450](#), pp 292-300 for additional details on these results from our 2005 mail survey.

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reported having provisions to require or allow ballots with large-type, magnifying instruments, and Braille ballot or voting methods increased by 18, 20, and 8, respectively. At the same time, a few states reported having provisions that prohibit certain accommodations, such as ballots in Braille or large type.<sup>25</sup> (See app. I, table 2 for details on 2004 state provisions.) It is important to keep in mind, however, our findings for the 2000 election—i.e., that state provisions are not necessarily predictors or indicators of whether these accommodations will be found at polling places.

Most recently, we reported on accommodations provided to bilingual voters, including elderly bilingual voters.<sup>26</sup> Under the VRA, when the population of a “single language minority” with limited English proficiency is large enough, voting materials (including ballots, instructions, and assistance) must be provided in that minority’s language, in addition to English. Of the 14 election jurisdictions we contacted, 13 reported providing similar assistance, such as translated voter materials and bilingual poll workers. All 14 reported facing similar challenges, such as recruiting a sufficient number of bilingual poll workers, effectively targeting where to provide assistance, and designing and translating the bilingual materials provided. However, GAO found little quantitative data on the usefulness of various types of bilingual voting assistance. Jurisdictions were challenged to assess the effectiveness of such assistance, in part because jurisdictions may be prohibited from collecting data on who used such assistance. Thus, it is difficult to know the extent to which elderly voters use bilingual assistance and what forms of assistance they find most useful.<sup>27</sup>

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<sup>25</sup> Our information on state provisions in election 2004 was self-reported. We did not independently review state laws or policies in 2004.

<sup>26</sup> GAO, *Bilingual Voting Assistance: Selected Jurisdictions’ Strategies for Identifying Needs and Providing Assistance*, [GAO-08-182](#) (Washington, D.C.: Jan. 18, 2008)

<sup>27</sup> While did not specifically assess the extent to which older voters use such assistance, election officials and community groups we contacted provided examples of issues related to older workers. For example, some jurisdictions reported that many elderly voters may need extra time to review the translated materials and ballots, and thus may prefer to vote absentee.

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## State Provisions for Alternative Voting Methods and Accommodations Generally Increased since 2000, but Implementation Practices May Vary

As noted earlier, the VAEHA requires that any elderly voter or voter with a disability assigned to an inaccessible polling place, upon his or her advance request, must be assigned to an accessible polling place or be provided with an alternative means for casting a ballot on the day of the election. The VAEHA also contains provisions to make absentee voting more accessible by prohibiting, with limited exceptions, the requirement of a notary or medical certification of disability in granting an absentee ballot. However, states generally regulate absentee voting and other alternative voting method provisions.<sup>28</sup> Alternative voting methods may include advance notice of an inaccessible polling place; curbside voting; taking ballots to a voter's residence; allowing voters to use another, more accessible polling location either on or before election day; voting in person at early voting sites; or removing prerequisites by establishing "no excuse" absentee voting or allowing absentee voting on a permanent basis.<sup>29</sup> Disability advocates have told us that while alternative voting methods are important and needed options for some voters with disabilities, they still do not provide an equal opportunity to vote in the same manner as the general public and therefore should not be viewed as permanent solutions to inaccessible polling places.

Meanwhile, state provisions that allow for alternative voting methods had, in 2004, generally increased from the 2000 election period. Specifically, the number of state provisions permitting curbside voting increased from 28 in the 2000 election to 30 in the 2004 election. The number of states with provisions that provided for carrying ballots to voters' residences on or before election day increased from 21 to 25. Additionally, state provisions regarding notification of voters of inaccessible polling places went up from 19 to 27. In addition, 21 states reported allowing voters to vote absentee without requiring a reason or excuse—3 more than for the November 2000 election.

Although states may offer similar alternatives and accommodations, our review of state provisions in 2000 indicated that there may be wide variation in their implementation. For example, in accordance with the

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<sup>28</sup> In our 2001 report we define "alternative" voting methods as any voting method other than traditional in-person voting at a polling place on election day.

<sup>29</sup> No excuse" absentee voting is available to all voters—that is, voters do not need to give a reason to vote absentee. In permanent absentee voting, the voter may request that an absentee ballot be automatically mailed to them, rather than applying separately, for each election. Voters may need to periodically reapply for permanent absentee ballot status.

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VAEHA, as previously mentioned, all states allowed absentee voting for voters with disabilities without notary or medical certification requirements in 2000. However, the dates by which absentee ballots must be received varied considerably, with some states requiring that, to be counted, the ballot must be received before election day. In addition, where states lacked provisions, or had provisions allowing but not requiring accommodation or alternative method of voting, county and local government implementation practices can vary. For example, in 2000, we found that in a number of states without formal provision for curbside voting, some counties and local governments reported offering curbside voting and some did not. Similarly, in a number of states that lacked provisions for allowing voters to use an alternate voting place on Election Day, our 2000 county survey data also showed that some counties and local governments offered this alternative, while others did not.

Expanding alternative voting methods or making special accommodations can provide voters with additional options. Early voting, for example, allows voters, including elderly voters, to choose a day without inclement weather on which to vote. However, the implementation of voting alternatives can also present election officials with legal, administrative, and operational challenges. For example, expanding the use of curbside voting requires having staff trained and available to assist voters outside the polling place. In some states where it is not authorized or in practice, policymakers would need to be convinced that it would not increase the risk of fraud with ballots being taken out of the polling place facility.<sup>30</sup> Similarly, reassigning voters to more accessible polling places requires officials to notify the voter, train the poll workers, and provide an appropriate ballot at the reassigned location. Election officials reported to us in 2001 that establishing early voting sites and expanding the number of absentee voters added to the cost and complexity of running an election. For example, with early voting, election officials must set up and close down the polling place daily, ensure that there are trained poll workers at each early voting site, and update the voter registration lists to be used on election day to indicate which voters have already voted early. Absentee voting challenges include receipt of late absentee voter applications and ballots; administrative issues including workload demands and resource constraints; dealing with potential voter error caused by unsigned or otherwise incomplete absentee applications and ballot materials; as well

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<sup>30</sup> The number of state provisions prohibiting curbside voting went from 4 in the 2000 election to 18 in the 2004 election.



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as guarding against fraud. Internet voting—an alternative that has been used only on a limited basis to date—could offer voters the convenience of voting from their homes or other remote locations, and help increase voter participation. On the other hand, numerous election officials and others have expressed concerns about the security and reliability of the Internet and lack of widespread access to it. To resolve these issues, studies by some task forces have suggested a phased-in approach to Internet voting.

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## Conclusions

Ensuring that seniors or individuals with disabilities successfully cast their votes in an election requires government to think broadly about access, including access to transportation, access into buildings, access with respect to voting equipment, and access to various alternative voting methods. The increase in state provisions and reports of practices to improve the accessibility of the voting process is encouraging. At the same time, the complexity of our election systems is such that we cannot be assured that these provisions and reported practices reflect what actually occurs at polling places on election day. Understanding and addressing accessibility gaps is an enormous task for our state and local election officials who are challenged by the multiplicity of responsibilities and requirements they must attend to within resource constraints. At the same time, as our population ages, and with it the percent of voters with disabilities swells, the expectation of accommodation and assistance to participate in this basic civic exercise will grow, making accessibility a key performance goal for our election community.

# Appendix I: State Provisions for Accessibility of Polling Places and Accommodations for the November 2000 and 2004 Elections

**Table 1: State Provisions Concerning Accessibility of Polling Places for the November 2000 Election**

State provisions	Number of states with provisions		Number of states with no provision
	Statute or regulation	Policy Only <sup>a</sup>	
<b>Voting accessibility</b>			
Voting by people with disabilities explicitly addressed	51	0	0
<b>Polling place accessibility</b>			
All polling places must/should be accessible	36	7	8
State provisions contain one or more polling place accessibility standards	23	19	9
Inspection of polling places to assess accessibility is required	15	14	22
Reporting by counties to state on polling place accessibility is required	10	10	31
<b>Voting booth areas and equipment</b>			
Voting booth areas must/should accommodate wheelchairs	17	16	18
Voting systems must/should accommodate individuals with disabilities	13	11	27
<b>Aids for visually impaired voters</b>			
Braille ballot or methods of voting must/may be provided	3	3	45
Ballots with large type must/may be provided	2	2	47
Magnifying instruments must/may be provided	7	15	29

Source: GAO-02-107, p. 17; GAO analysis of statutes, regulations, and other written provisions in 50 states and the District of Columbia. Provision categories were identified based on our review of these legal and policy documents.

<sup>a</sup>Policies for a particular provision were identified only if a state did not have either a statute or regulation for that provision.

**Appendix I: State Provisions for Accessibility of Polling Places and Accommodations for the November 2000 and 2004 Elections**

**Table 2: State Provisions Concerning Accessibility of Polling Places and Accommodations for Individuals with Disabilities for the November 2004 General Election**

<b>Provision</b>	<b>Required</b>	<b>Allowed</b>	<b>Not allowed</b>	<b>Not addressed</b>	<b>Not applicable</b>	<b>Required or allowed</b>
Polling place accessibility standards <sup>a</sup>	41	6	0	2	1 <sup>b</sup>	47
Inspections of polling place accessibility	28	16	0	6	1 <sup>b</sup>	44
Reporting by local jurisdictions to the state on polling place accessibility	32	8	0	9	2 <sup>b</sup>	40
Accommodations of wheelchairs in voting areas	39	4	0	7	1 <sup>b</sup>	43
Provision of ballot or methods of voting in Braille <sup>c</sup>	1	13	2	33	1	14
Provision of ballots with large type	5	17	3	26	0	22
Provision of magnifying instruments <sup>c</sup>	8	34	0	7	1 <sup>b</sup>	42

Source: GAO-06-450, p. 507; GAO 2005 survey of state election officials

<sup>a</sup>Election officials in one state responded that they did not know.

<sup>b</sup>Oregon conducts voting by mail; thus, provisions for polling place accessibility are not applicable.

<sup>c</sup>Election officials in one state did not respond to this question.

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# Related GAO Products

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*Bilingual Voting Assistance: Selected Jurisdictions' Strategies for Identifying Needs and Providing Assistance.* [GAO-08-182](#). Washington, D.C.: January 18, 2008.

*Elections: All Levels of Government Are Needed to Address Electronic Voting System Challenges.* [GAO-07-741T](#). Washington, D.C.: April 18, 2007.

*Older Driver Safety: Knowledge Sharing Should Help States Prepare for Increase in Older Driver Population.* [GAO-07-413](#). Washington, D.C.: April 11, 2007.

*Elections: The Nation's Evolving Election System as Reflected in the November 2004 General Election.* [GAO-06-450](#). Washington, D.C.: June 6, 2006.

*Social Security Reform: Answers to Key Questions.* [GAO 05-193SP](#). Washington, D.C.: May 2, 2005.

*Transportation-Disadvantaged Seniors: Efforts to Enhance Senior Mobility Could Benefit. from Additional Guidance and Information.* [GAO-04-971](#). Washington, D.C.: August 30, 2004

*Elections: A Framework for Evaluating Reform Proposals.* [GAO-02-90](#). Washington, D.C.: October 15, 2001.

*Elections: Perspectives on Activities and Challenges Across the Nation.* [GAO-02-3](#). Washington, D.C.: October 15, 2001.

*Voters with Disabilities: Access to Polling Places and Alternative Voting Methods.* [GAO-02-107](#). Washington, D.C.: October 15, 2001.

*Elections: The Scope of Congressional Authority in Election Administration.* [GAO-01-470](#). Washington, D.C.: March 13, 2001.

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