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## **A Letter to New Jersey Voters with Disabilities**

September 29, 2006

Dear Voter:

The right to vote is protected by the laws of the United States and the State of New Jersey. Voting gives you a chance to choose government leaders at the local, state and federal level, from the Mayor of your town to your Senator in Congress. Sometimes voting also gives people a chance to give their opinion on questions about government actions and government spending. These questions are called "ballot questions" and voters pick "yes" or "no" as their vote.

In New Jersey, thousands of voters have disabilities that can affect their experience when they go to a polling place to cast a vote on Election Day. I am writing to make sure that voters with disabilities in our State know about their right to vote in person at the polls on Election Day.

### **The Right to Vote**

By law, voters with disabilities have the same legal right to vote as everyone else. A person cannot be denied the right to vote because:

- the person has a certain type of disability (intellectual, physical, or psychiatric), OR
- the person has a legal guardian, OR
- the person lives in an institution, group home, supported apartment, or other residential facility that serves people with disabilities.

In order to be allowed to vote, a voter with a disability has to meet the same criteria as everyone else. He or she must:

- be 18 years old
- be a citizen of the United States
- register to vote according to law\*
- vote on Election Day at the polling place set up for the area where the person lives (or vote with an absentee ballot before Election Day)

**Only a judge can stop a person from voting because of a disability. The judge must first hear evidence from a doctor or other expert that proves that the person is not able to understand what voting is and cannot form an opinion about the choices on the ballot.** This does not mean that a person with a disability has to prove that he or she understands how government works or has a good reason for voting a certain way. A voter with a disability may not be asked those types of questions.

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\* For information on registering to vote see the Division of Elections website at [www.njelections.org](http://www.njelections.org) or call 1-877-NJVOTER (1-877-658-6837), 658-6837 or 609-292-3760, or 1-800-292-0039 for TTD/TYY.

A person who works at a polling place, a guardian, parent, personal assistant, doctor, or person who works at a residential center or group home **is not allowed to** decide that a person is not able to vote because of a disability. No one who registers voters or who works at a polling place has the right to ask a person with a disability to answer questions to prove that the person is intellectually capable of voting.

Voters with disabilities have the right to use a voting machine and voting booth. **If a voter with a disability is properly registered, he or she may not be asked to use a provisional paper ballot just because the voter needs help using a voting machine.**

### **Getting Accommodations and Help at the Polling Place**

Voters with disabilities have the right to receive “reasonable accommodations” at polling places. For example, some voters may need extra time to vote, might need a voting machine to be adjusted, might need assistance in the voting booth, or might need a ramp to get into the building where the voting is going on. Some other examples of accommodations that should be available are:

- Parking, building pathways and doors, voting booths, and voting machines should all be usable and accessible by people with disabilities.
- Federal law requires that the voting system must be accessible to individuals who are blind and visually impaired so that they can vote privately and independently through means such as an audio recording of the ballot on the voting machine or a Braille ballot. In New Jersey, accessibility is provided to voters who are blind or who have visual impairments through audio recordings of the ballot.
- Chairs should be available for voters who might need to sit down while waiting.
- Poll workers should show a voter how to use the voting machine if the voter asks for help.
- If needed or requested, poll workers should repeat directions, use different words, or speak more slowly.

A voter with a disability may have a person of his or her choosing assist them in the voting booth. A voter may choose a relative, friend, or assistant. However, the law does not allow any voter to bring their employer or a representative from their labor union into the voting booth with them. Also, if a voter asks for help in the voting booth from staff at the polling place, the poll workers may assign one person from each political party to help them. These rules are to make sure that no one tells the voter who to vote for. It is the voter’s choice if they want help in the voting booth.

I hope this information is helpful to you. **I encourage you to bring this letter with you when you go to vote on Election Day in case any questions arise while you are there.** If you have any problems voting on Election Day, or if you need more information or assistance related to your right to vote as a citizen of New Jersey, please do not hesitate to contact my office at (609) 826-5090.

Sincerely,



Ronald K. Chen  
Public Advocate