

Access to voting for disabled people

Disability organisations and others have long argued that improvements are needed to the process of voting to enable people with disabilities to exercise their right to vote without facing undue difficulties. Access to polling booths has been a particular issue. This factsheet examines recent changes in legislation and their impact at the 2001 general election.

Background

Local authorities must, under the Representation of the People Act 1983, designate polling stations. Wherever practical, the locations must be accessible to disabled people.

However, some premises need significant alterations to make them accessible. Grants are made by central government on the basis of 80% of the cost of electoral equipment and 50% of the cost of physical access, (e.g. temporary ramps). The balance is met by the local authority. Especially where the authority does not own or control the premises, the speed with which premises are brought up to the required standard has not always been swift. In part, this is also a reflection of the fact that polling stations may be used no more than one or two days in each year.

The Home Office issued new guidelines for the European parliamentary elections in June 1999 based substantially on the work of Capability Scotland. These guidelines help returning officers to audit accessibility when selecting venues for polling places and in setting them up.

People who are blind or have another physical incapacity that means they cannot reasonably be expected to vote in person at a polling station are eligible to apply for a proxy vote if their application is supported by a medical practitioner. Alternatively, blind people may take a companion into the polling booth to help them.

Disability Discrimination Act

The 1995 Act makes it unlawful for those who provide services to the public to discriminate against disabled people. Taking account of the provisions of the Act, the National Disability Council published a revised code of practice in June 1999 which gives practical guidance on how to prevent discrimination against disabled people in accessing services or premises.

Howarth working party

A working party was set up after the 1997 general election under the chairmanship of George Howarth, then Home Office Minister for electoral matters, to review electoral law and practice. It took the view that provision of electoral services to disabled electors by registration and returning officers was almost certainly covered by the duty to provide accessible services under the Disability Discrimination Act 1995 and recommended that the following changes should be made:

- large print posters of the ballot should be displayed and simple ballot paper templates should be provided in polling stations;
- provisions allowing a companion to assist blind voters should be extended to other electors with physical disabilities or who are unable to read;
- national minimum access standards should be provided in the form of new and consolidated guidance from the Home Office;
- grants should be extended to include assistance towards the costs of providing permanent

adaptations to premises used for polling purposes.

Recent legislation

The Representation of the People Act 2000 carried into effect the recommendations of the working party by amending the parliamentary election rules. In particular, the Representation of the People Regulations 2001 specified a tactile device to be available to help blind and partially sighted voters. Government guidance also set the smallest print on the large size ballot paper to be 16 point or above.

The general provision in the RPA 2000 for postal voting on demand (removing the requirement for medical attestation) was also intended to benefit disabled electors.

General election 2001

Charities and other organisations undertook promotional activity to increase awareness of the new provisions for disabled people at the 2001 elections. The Royal National Institute for the Blind (RNIB), for example, provided considerable information on its website and in its newsletters. In Scotland, the Scotland Office consulted with RNIB in developing its own plans to publicise the changes introduced to assist visually impaired voters.

Following these changes in the law and guidance and the promotional activity, a survey carried out during the 2001 general election by SCOPE, endorsed by the Disability Rights Commission, found fewer polling stations were inaccessible to disabled voters than in 1997 (69% compared to 94%).

Although polling stations surveyed by SCOPE had 'access barriers', they also found that many of the staff on duty did make a considerable effort to address the access needs of disabled voters. Overwhelmingly polling station staff were considered to be keen to improve accessibility. SCOPE has recommended that all polling staff should receive disability equality training so that some basic access mistakes could be avoided.

Acting returning officers reported little use of the blind voters' device at the parliamentary elections in June 2001. However, there were reports that some electors who did use it were delighted at being able to vote unassisted for the first time. Electoral Administrators reported that the device restricted the print size on the ballot paper. Many electors found the large print ballot paper provided at polling stations to be very helpful.

Capability Scotland started a campaign in October 2001, for Scotland to lead the way for disabled people to vote in fully accessible polling stations. They want the assistance of the Scottish Parliament and have asked for cross-party support. Ministers in the Scottish Executive have publicly indicated that they are considering legislative changes to achieve improvements in this area in the near future.

Conclusion

The Electoral Commission believes that equal access to elections is an essential part of healthy democracy and necessary to ensure high levels of voter participation. Access for disabled voters has achieved greater prominence in recent years and the vast majority of polling stations are now much more accessible for wheelchair users.

The entitlement to vote with the assistance of a companion has been extended to disabled voters and the tactile voting device for visually impaired voters and large print posters are now mandatory. However, ensuring equal access involves active effort, going beyond the requirements of the law, for a range of diverse communities.

We intend to undertake a formal policy review of these issues, with a view to providing good practice guidance to returning officers in advance of the elections in 2003 in Scotland and Wales. The review will also consider whether any further changes to the current legislative framework are required. The review is expected to begin in July 2002.

Publications

Report of the Working Party on Electoral Procedures (1999), Home Office.
Electoral Law and Administration, Fourth Report (1998) Home Affairs Select Committee.
Election 2001: The Official Results (2001) Electoral Commission.
"Guidance for Acting Returning Officers in England and Wales, 2001" Home Office
www.elections.dtr.gov.uk/index.htm
"Polls Apart 3, campaigning for accessible democracy" SCOPE.

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Royal National Institute for the Blind
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