



# Study on participation of citizens with disabilities in elections

JUST/2021/OP/0002

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# **DG JUST - Report Type C: Study on participation of citizens with disabilities in elections**

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## 1. Introduction

In this report, we will consider best practices aimed at supporting the participation of citizens with disabilities in elections in the European Union (EU) with a particular focus on France and Italy as case studies. We will discuss the existing practices based on an extensive literature review of existing research. More specifically, by drawing on existing research, we will discuss the potential attitudinal and environmental barriers that shape the interactions that citizens with disabilities have with the electoral environment. We focus explicitly on how citizens' interactions with the physical and social environment can either have a positive or negative impact on the interactions of citizens with disabilities in the electoral environment.

It is important to note that for a lot of individuals with disabilities, the stigma and exclusion that they experience due to their disability comes from interactions with other people, or institutions, which communicate back to them that they do not 'fit' the norm. Therefore, it is extremely important to consider not only what the social and structural environments communicate to citizens with disabilities about their inclusion in society, but also what provisions should be put in place to make them feel more included, and how this can be done without necessarily singling them out as part of a 'different' group of people. To support this line of argument, we will integrate some of the Electoral Psychology Observatory's proprietary research findings and insights into this discussion.

In addition, we will describe elements of the regulatory frameworks for citizens with disabilities in elections across the EU and suggest possible policy solutions to support the participation of persons with disabilities in elections, based on existing best practices. We will provide an overview of existing international standards aimed at supporting citizens with disabilities to engage efficiently with the electoral process and navigate the electoral environment.

Overall, the report will inform the preparation of the Commission's guide of good electoral practice addressing participation of citizens with disabilities in the electoral process. The report will set out recommendations that can translate, for instance, into the adoption of good practice frameworks in the Member States or good practices addressed to national and EU bodies.

### 1.1 Scope and Aims

It is important to clarify the scope of this report. Elections, and more broadly political participation and engagement, are social activities that enable citizens to participate in society. As social activities, they take place in the presence of other citizens. In other words, our experience of the electoral environment is mediated through the presence of others and the structures in place. This report aims to provide in particular a review of the empirical evidence that shapes interactions between citizens with disabilities and the electoral environment. In referring to the electoral environment we consider this to be multifaceted, referring to the electoral cycle, the material reality of the environment, the infrastructure (facilities), the procedures around elections, the communicative materials used and the social elements, including the presence of and attitudes of other voters.

In considering the potential attitudinal barriers in this study, a key element needs to be emphasized; over 90% of what we do is subconscious, which makes the study of attitudinal barriers difficult to probe directly. This is why, at the Electoral Psychology Observatory, we take a different approach to evidence that already exists. Given the limits of the report, no primary data collection has taken place as part of this study, however we draw on unpublished research gathered in the UK in partnership with a disabilities charity, to expand the scope of the report to also consider 'hidden' disabilities; including intellectual and learning disabilities.

*Scope:* The report focuses on citizens with disabilities and their interactions with the electoral environment. This covers:

- Specific provisions, practices and legal frameworks in place to construct enabling environments for citizens with disabilities.
- The use of universal design and/or reasonable accommodation for citizens with disabilities to participate in the electoral environment.
- The diverse ways in which disabilities can be defined, and a consideration for 'hidden' disabilities in the electoral process.
- The attitudes of other citizens towards citizens with disabilities.
- The perceptions of citizens with disabilities towards their inclusivity in the electoral environment.

The scope of the report is limited to literature, legislature and research that is directly relevant to the European context. Therefore, while much work on citizens with disabilities comes from the North American context, this has not been included in the report. Secondly, focus on interactions with the electoral environment is primary, and so a consideration for the involvement of citizens with disabilities in policymaking is outside of the scope of the report. Similarly, the role of disability organizations is not considered extensively, as the primary focus is on citizens themselves, their lived experiences and interactions with the physical, social and political environment.

*Conceptual Challenges:* When tackling attitudinal and environmental barriers to electoral engagement for citizens with disabilities, this study needs to consider what we mean by disabilities and how we enable citizens to declare these as part of their electoral engagement and through their interactions with the electoral environment.

Therefore, a key conceptual challenge is how to create an inclusive enough understanding of 'disabilities' to enable provisions to be put in place, while also not placing pressure on these same citizens to feel a need to disclose or make evident any hidden disabilities that might lead to increased experiences of stigma or exclusion. As such, the study needs to consider the interactions of citizens with disabilities with the electoral environment, which includes;

- Interactions during electoral processes
- Communicative materials aimed at citizens with disabilities
- Interactions with other citizens that shape social perceptions of disability
- Interactions with institutions, systems and structures which communicate societal inclusion (or exclusion) of citizens with disabilities



### *Key questions*

- a) What current provisions are in place for citizens with disabilities in the EU to successfully navigate the electoral environment?*
- b) What is the state of the art in the field?*
- c) What is the legal framework within which those practices operate (primarily EU law but also French and Italian frameworks as part of the case studies)?*
- d) How are disabilities defined in current frameworks, and to what extent are these definitions inclusive enough?*
- e) What do we know about the impact of these provisions and frameworks on citizens with disabilities?*
- f) What are the potential social, structural and material barriers to the successful navigation of the electoral environment for citizens with disabilities?*
- g) Can we highlight key “do’s” (best practices) and “don’ts” (elements leading to particularly adverse effects) in the field?*

## 2. Background

The electoral participation of citizens with disabilities is crucial. In addition to meeting legal requirements, it is also crucial for their sense of belonging to public and political life, but also for their ability to promote their concerns on political agendas.

On 20 March 2019, the European Economic and Social Committee issued an information report presenting the full state of play when it comes to the right of persons with disabilities to vote in the European Parliament elections. The report entitled "Real rights of persons with disabilities to vote in EP elections" shows that despite many binding legal documents protecting the rights of persons with disabilities in the EU, hundreds of thousands of them were not able to cast their votes at the 2019 European Parliament elections, or may have had at least difficulties to do so.<sup>1</sup>

In March 2021 the Commission adopted the Strategy for the rights of persons with disabilities 2021-2030 (Strategy 2021-2030).<sup>2</sup> As explained in this latter Strategy, around 87 million people in the EU currently have a form of disability and are still partially excluded from the full enjoyment of the rights stemming from the EU legal order.<sup>3</sup> As a result, the Commission envisages the adoption of ambitious reforms to foster inclusion and reduce the gap between the levels of democratic participation of people with disabilities and those without. Among the priorities of the 2021-2030 Strategy, there is the full participation of individuals with disabilities in the political life of the EU.<sup>4</sup>

As reported by European Commission, although significant progress was already made under the 2010-2020 Strategy, numerous obstacles still exist for persons with disabilities.<sup>5</sup> For instance, while the EU can count on several achievements concerning the adoption of policies promoting the inclusion of individuals with disabilities,<sup>6</sup> there are no specific rules on voting rights for individuals with disabilities. The European Democracy Action Plan<sup>7</sup> announced the preparation of a compendium of e-voting practices together with Member States, which, as stated in the Strategy on the Rights of Persons with Disabilities 2021-2030<sup>8</sup>, should also seek to address the needs of citizens with a disability. Additionally, it announced a high-level event bringing together various authorities related to elections to address the challenges outlined in this plan, which will take place in 2023. According to the Strategy on the Rights of Persons with Disabilities 2021-2030, discussions should include practices on inclusive democracy with the aim that candidate lists reflect the diversity of our societies.

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<sup>1</sup> See <https://www.eesc.europa.eu/en/news-media/press-releases/millions-eu-voters-disabilities-will-not-be-able-cast-their-ballots-ep-elections>.

<sup>2</sup> European Commission, 'Strategy for the rights of persons with disabilities 2021-2030', available at <https://ec.europa.eu/social/main.jsp?catId=1484&langId=en>.

<sup>3</sup> Ibid., page 4.

<sup>4</sup> Ibid., page 9.

<sup>5</sup> European Commission, 'Strategy for the rights of persons with disabilities 2021-2030', available at <https://ec.europa.eu/social/main.jsp?catId=1484&langId=en>.

<sup>6</sup> See EU Directive n. 2019/882.

<sup>7</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2020%3A790%3AFIN&qid=1607079662423>

<sup>8</sup> [Union of Equality: Strategy for the Rights of Persons with Disabilities 2021-2030 \(europa.eu\)](#)

Building on previous commitments, including the 2020 EU Citizenship Report, the Strategy for the rights of persons with disabilities 2021-2030<sup>9</sup> announced the preparation of a guide of good electoral practice addressing the participation of citizens with disabilities in the electoral process, to be established by the Commission in 2023, based on the high-level event on elections and in close cooperation with Member States in the framework of the European Cooperation Network on Elections<sup>10</sup>.

The Commission also committed in the same strategy to:

- **work** with Member States, including through dedicated discussions in the European Cooperation Network on Elections and the European Parliament to guarantee the political rights of persons with disabilities on an equal basis with others;
- **discuss**, in 2022, in the framework of the high-level event on elections announced in the Democracy Action Plan, practices on inclusive democracy with the aim that candidate lists reflect the diversity of our societies (postponed for autumn 2023);
- **seek to address** the needs of citizens with a disability in the compendium on e-voting envisaged under the European Democracy Action Plan;
- **to support** inclusive democratic participation, including for persons with a disability, through the new Citizenship, Equalities, Rights and Values programme (CERV).

On 25 November 2021, the Commission adopted a package of measures to reinforce democracy and protect the integrity of elections. This included two recast legislative proposals laying down detailed arrangements regarding the right of EU citizens residing in a different Member State from their state of origin to vote and stand as candidates in elections to the European Parliament and municipal elections in their Member State of residence. The proposals include an express requirement for Member States to make electoral information accessible to mobile EU citizens with disabilities and older persons by using appropriate means, modes and formats of communication. To support broad and inclusive participation the proposals also envisage that access to remote and electronic voting means will be provided to mobile EU citizens under the same conditions as nationals of the Member State of residence.

The package adopted on 25 November 2021 included a Communication, which announced that the Commission will continue to use the European Cooperation Network on Elections by facilitating and improving the ability of all EU citizens to exercise their voting rights including by supporting the exchange of best practices and mutual assistance to ensure free and fair elections and by establishing common references on good practices for specific phases of the electoral cycle.

More recently, in its initiative for a Council Regulation on the election of the members of the European Parliament by direct universal suffrage<sup>11</sup>, the European Parliament proposed to

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<sup>9</sup> EUR-Lex - 52021DC0101 - EN - EUR-Lex (europa.eu)

<sup>10</sup> [European cooperation network on elections | European Commission \(europa.eu\)](#)

<sup>11</sup> European Parliament legislative resolution of 3 May 2022 on the proposal for a Council Regulation on the election of the members of the European Parliament by direct universal suffrage, repealing Council Decision

set out obligations for Member States to put in place appropriate arrangements to facilitate the exercise of the right to vote by persons with disabilities, either independently and in secret, or with assistance from a person of their choice.<sup>12</sup>

In the annex to its Communication from 17 June 2022 concerning the follow-up to the Conference on the Future of Europe<sup>13</sup>, the Commission also announced that it would deliver on the Conference proposals, including the one on guaranteeing effective voting rights for persons with disabilities. The ESSC issued a report on the participation of individuals with disabilities in view of the European elections in 2019. The report showed that despite many binding legal documents protecting the rights of persons with disabilities in the EU, hundreds of thousands of them were not able to cast their votes at the 2019 European Parliament elections, or may have had at least difficulties to do so.<sup>14</sup>

Furthermore, the literature in the fields of democratic participation and electoral studies reveals abundant empirical evidence concerning the difference in voters turnout between people with disabilities and those without.<sup>15</sup> The limited political participation of citizens with disabilities in Europe is further aggravated, among others, by the only partially effective existing monitoring mechanisms and the presence of legal and administrative barriers for individuals with disabilities.<sup>16</sup> Currently, there are several bodies involved in the monitoring of the rights of individuals with disabilities. These include the Disability Platform,<sup>17</sup> the European network of academic experts in the field of disability, and the European Commission.

Member States have adopted different laws and measures to support the rights of citizens with disabilities. Examples are provided by the introduction of the vote by proxy or assistive tools. We explore these measures in section 5 below.

Several international instruments address the question of rights of persons with disabilities. Among those, Article 29 of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) provides that, people with disabilities have the right to participate in public and political life (UN, 2006)<sup>18</sup>. This Convention has been signed by the EU and its

(76/787/ECSC, EEC, Euratom) and the Act concerning the election of the members of the European Parliament by direct universal suffrage annexed to that Decision (2020/2220(INL) – 2022/0902(APP))

<sup>12</sup> It also called 'on Member States to introduce measures to maximise the accessibility of the elections for citizens with disabilities covering, among others and where appropriate, voting information and registration, polling stations, voting booths and devices and ballot papers; recommends to implement appropriate arrangements tailored to national voting procedures to facilitate the vote of citizens with disabilities such as the possibility to choose polling stations, closed polling stations in key locations, and the use of assistive technologies, formats and techniques like Braille, large print, audio-based information, tactile stencils, easy to read information and sign language communication; calls on Member States to allow persons with disabilities to be assisted in voting by a person of their own choice, where necessary and at their request.'

<sup>13</sup> [annex\\_0.pdf \(europa.eu\)](#)

<sup>14</sup> See <https://www.eesc.europa.eu/en/news-media/press-releases/millions-eu-voters-disabilities-will-not-be-able-cast-their-ballots-ep-elections>. See also <https://www.inclusion-europe.eu/2024-eu-elections-and-disability-rights-on-voting/>.

<sup>15</sup> Jonas Henau Teglbjærg et al., 'The disability gap in voter turnout and its association to the accessibility of election information in EU countries' (2021) 37(8) *Disability and Society*, pages 1342-1361.

<sup>16</sup> Mark Priestley et al., 'The political participation of disabled people in Europe: Rights, accessibility and activism' (2016) 42 *Electoral Studies*, pages 1-9.

<sup>17</sup> <https://ec.europa.eu/transparency/expert-groups-register/screen/expert-groups/consult?lang=en&groupID=3820>

<sup>18</sup> United Nations (2006), "Convention on the rights of persons with disabilities", available at: [www.un.org](http://www.un.org).

Member States. Finally, as illustrated in section 4.1. below, the European Convention on Human Rights and the relevant case law also strengthen the right to vote of individuals with disabilities. Disabilities vary, and so does the participation of citizens with different types of disabilities. For example, a study on the Dutch national election in 2017 found that citizens with learning disabilities are less likely than citizens with physical disabilities to vote<sup>19</sup>. Among citizens with physical disabilities, a case study in the 2017 Dutch election found voter turnout to be high among participants sampled in a large-scale survey (92%). These citizens in turn reported few barriers to participation. Voter turnout among citizens with learning disabilities is in turn much lower than the voter turnout of the general population<sup>20</sup>.

Similarly, as disabilities vary, so do the existing provisions in place. For example, individuals with learning disabilities do not have the right to receive assistance in the voting booth, whereas citizens with physical disabilities do<sup>21</sup>. As such, barriers to voter engagement of citizens with learning disabilities exist on multiple levels, including legal barriers causing exclusion from democratic participation, cultural norms that perpetuate stereotypes of diminished mental capacities of citizens with learning disabilities, and insufficient reasonable adjustments to enable citizens with disabilities to exercise their right to participation<sup>22</sup>.

The European Union Agency for Fundamental Rights (FRA)<sup>23</sup> identifies and categorizes key indicators of the right to participation of citizens with disabilities. Table 1 summarizes these below.

**Table 1: Key indicators on the right to participation of citizens with disabilities**

Theme	Structure	Process	Outcome
Lifting legal and administrative barriers	<u>Article 29 of the CRPD</u>		
	<u>Article 12 of the CRPD</u>	<u>Accessible information about complaints mechanisms</u>	
	<u>National disability strategies</u>	<u>Cases considered by courts</u>	<u>National MPs with a disability</u>
	<u>Restrictions on right to vote of people without legal capacity</u>	<u>Cases considered by non-judicial complaints bodies</u>	<u>Members of municipal authorities with a disability</u>
	<u>Requirement to register to vote</u>	<u>Cases considered by international complaints bodies</u>	
	<u>Alternative ways of voting</u>		

[org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/convention-on-the-rights-of-persons-with-disabilities-2.html](https://fra.europa.eu/en/publication/2014/indicators-right-political-participation-people-disabilities#publication-tab-3) (accessed 12<sup>th</sup> January 2023).

<sup>19</sup> van Hees, S.G.M., Boeije, H.R. and de Putter, I. (2017), "Voting barriers and solutions: the experiences of people with disabilities during the Dutch national election in 2017", *Disability & Society*, Vol. 34(5). pp. 819-836.

<sup>20</sup> Emerson, E. and Hatton, C. (2008), *People with Learning Disabilities in England*, Centre for Disability Research, Lancaster University. Keeley, H., Redley, M., Holland, A.J. and Clare, I.C.H. (2008), "Participation in the 2005 general election by Adults with intellectual disabilities", *Journal of Intellectual Disability Research*, Vol. 52No. 3, pp. 175-181.

<sup>21</sup> Office for Democratic Institutions and Human Rights 2017

<sup>22</sup> Priestley, M., Stickings, M., Loja, E., Grammenos, S., Lawson, A., Waddington, L. and Fridriksdottir, B. (2016), "The political participation of disabled people in Europe: rights, accessibility and activism", *Electoral Studies*, Vol. 42, pp. 1-9.

<sup>23</sup><https://fra.europa.eu/en/publication/2014/indicators-right-political-participation-people-disabilities#publication-tab-3>

Theme	Structure	Process	Outcome
	<u>Voting from long-term institutions</u> <u>Duty to provide assistance</u> <u>Legally able to access complaints mechanisms</u>		
<b>Increasing rights awareness</b>	<u>Article 29 of the CRPD</u> <u>Article 9 of the CRPD</u> <u>National disability strategies</u>	<u>DPO involvement</u> <u>Self-regulatory commitments</u>	<u>Accessible information websites</u> <u>Accessible information television broadcasts</u> <u>Accessible election manifestos</u>
<b>Making political participation more accessible</b>	<u>Article 9 of the CRPD</u> <u>Voting from long-term institutions</u> <u>Accessibility standards for the internet</u> <u>Accessibility standards for audio-visual media</u> <u>Accessibility standards for public buildings</u> <u>Accessibility standards for polling stations</u> <u>Duty to provide assistance</u> <u>Training for election officials</u>	<u>DPO involvement</u> <u>Commitment to accessible manifestos</u> <u>Guidelines on accessible polling stations</u> <u>Accessible information about complaints mechanisms</u> <u>Guidelines on accessible polling stations</u>	<u>Accessible polling stations</u> <u>Accessible public buildings</u> <u>Accessible information websites</u> <u>Accessible information television broadcasts</u> <u>Accessible election manifestos</u>
<b>Expanding opportunities for political participation</b>	<u>Article 29 of the CRPD</u> <u>Article 9 of the CRPD</u> <u>Alternative ways of voting</u> <u>Accessibility standards for the internet</u> <u>Accessibility standards for audio-visual media</u> <u>Accessibility standards for public buildings</u>	<u>DPO involvement</u>	<u>National MPs with a disability</u> <u>Members of municipal authorities with a disability</u>

However, these indicators do not refer to processes or outcomes related to societal barriers, including stigma reduction or improvement of awareness, and attitudes towards disabilities.

While drawing on these indicators, we also consider societal barriers, and whether any research has examined these in the context of electoral engagement. Consequently, the report will categorise these barriers according to four types:

- **Physical barriers** (including inaccessible polling stations, mobility barriers and the inaccessible materials used in elections, such as ballot papers, polling booths or voting machines, limited options for voting).
- **Informational barriers** (including inaccessibility of political candidates and party information, lack of knowledge of the electoral process – where, when and how to vote).
- **Assistance barriers** (including limited voting assistance, lack of training for polling staff on how to provide assistance, and variability in who is afforded assistance).
- **Societal barriers** (including stereotypes of citizens with disabilities, social norms communicating inclusion/exclusion of citizens with disabilities within public and political life, attitudes and opinions of carers/assistants and the existence and access to support networks).

We draw on these four types of barriers and consider the extent to which the existing state-of-the-art research examines them.

## 2.1 A note on the impact of the Covid-19 pandemic

Between 2020 and 2022, the Covid-19 pandemic had far-reaching impact on all of society, including elections, and concerns about citizens' participation came into conflict with concerns about citizens' health and safety. Only in Europe, between March 11<sup>th</sup> 2020 and 30<sup>th</sup> of January 2021 elections were planned in multiple countries, and on multiple levels, including:

1. Presidential elections in Poland,
2. Local or regional elections in Austria, France, Bavaria (Germany), Thurgau and Uri (Switzerland), 7 regions of Italy.

Of these, the presidential election in Poland constituted the only 'almost fully completed' election process between the beginning of the pandemic and June 2021. In Section 4, we consider whether research on the impact of Covid-19 on elections has considered the experience of citizens with disabilities.

The Organization for Security and Co-operation in Europe (OSCE) published guidelines on alternative voting methods and arrangement in the context of the Covid-19 pandemic<sup>24</sup>. This included special voting arrangements (SVA) used to facilitate voting for people with Covid-19 and under quarantine (due to being vulnerable, which would include a proportion of citizens with disabilities). The International Institute for Democracy and Electoral Assistance reviewed which SVAs were used in elections from 21<sup>st</sup> February to 31<sup>st</sup> of February in 2020,

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<sup>24</sup> <https://www.osce.org/files/f/documents/2/a/466794.pdf>

examples<sup>25</sup> include allowing for postal voting (Poland, Spain) or proxy voting (Croatia, Poland and Spain), early voting (Lithuania and Poland), home and institution-based voting (Czech Republic, Lithuania, Italy, Romania), making special arrangements in polling stations (Czech Republic, Lithuania) such as the affordance of ‘drive-in polling stations’ (Lithuania), and the use of new voting technologies such as electronic voting. The impact this has on voter turnout was varied, there was an increase in Poland, but a decrease in Lithuania, for example, both of which implemented multiple SVA during the Covid-19 pandemic. While these practices implemented might have made elections more accessible overall, it is still unclear from existing research how long-lasting these SVA will be in their implementation and the specific impact they might have had on citizens with disabilities during the election.

As the OSCE<sup>26</sup> concludes “While alternative voting methods and arrangements may help minimize exposure to health risks and could contribute to making elections more accessible and convenient for voters, these possible benefits need to be weighed against the challenges these methods can pose to secrecy, equality and universality of the vote. Decisions to alter voting methods and arrangements in and around polling stations need to be preceded by comprehensive analysis, consultation and planning”.

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<sup>25</sup><https://www.idea.int/news-media/news/elections-and-covid-19-how-special-voting-arrangements-were-expanded-2020>

<sup>26</sup> <https://www.osce.org/files/f/documents/2/a/466794.pdf> - p45



### 3. Methodological concepts

In acknowledging the social and environmental barriers to the electoral engagement of citizens with disabilities, we align ourselves more closely with a social model of disability. The social model of disability was developed in response to medical models of disability<sup>27</sup>. Medical models of disability dominated the scientific discourses and approaches to disability until the 1970s. These models focused on disability within the context of the individual (as biological or cognitive) to identify treatment. While important, in contrast to the medical model the social model of disability emphasizes the social, economic and environmental factors that can lead to citizens being disadvantaged or excluded from social, public and political life<sup>28</sup>. It highlights the critical role of the environment in both defining and communicating what disability is<sup>29</sup>.

If we want to acknowledge the social and environmental barriers to electoral engagement of citizens with disabilities, we must therefore first adopt a social model of disability. This will enable us to focus on how everyday physical structures, societal norms and public attitudes disable individuals with disabilities as well as on how inequality is institutionalized through discriminatory state laws and public policies<sup>30</sup>.

Because there is no commonly agreed standard definition of disability and no clear threshold that defines when a person becomes “disabled,” establishing an acceptable definition of disability becomes an important first step.

For this report, the following definitions have been taken from the United Nations Convention on the Rights of Persons with Disabilities.<sup>31</sup>

#### 3.1 Citizens with Disabilities

*Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others<sup>32</sup>.*

#### 3.2 Universal Design

*... the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. “Universal design” shall not exclude*

<sup>27</sup> Oliver, Michael. 1996. *The Social Model in Context.* Chap. 3 in *Understanding Disability: From Theory to Practice*. New York: St Martin’s Press.

<sup>28</sup> Goering, Sara. 2015. “Rethinking Disability: The Social Model of Disability and Chronic Disease.” *Current Reviews in Musculoskeletal Medicine* 8 (2): 134–138. doi:10.1007/s12178-015-9273-z.

<sup>29</sup> Bickenbach, J. E. (2001). Disability human rights, law, and policy. *Handbook of disability studies*, 565-584.

<sup>30</sup> Burchardt, Tania. 2004. “Capabilities and Disability: The Capabilities Framework and the Social Model of Disability.” *Disability and Society* 19 (7): 735–751. doi:10.1080/0968759042000284213.

<sup>31</sup><https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-2-definitions.html> Retrieved January 10th, 2023

<sup>32</sup><https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-2-definitions.html> Retrieved January 10th, 2023

*assistive devices for particular groups of persons with disabilities where this is needed.*<sup>33</sup>

### 3.3 Reasonable Accommodation

*... necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms.*<sup>34</sup>

### 3.4 Consideration on Universal Design and Reasonable Accommodation

Universal design emphasises creating an electoral environment that is inclusive and accessible in the broadest sense, where one ‘design’ element (such as a voting machine for example) is accessible to all voters, including those with disabilities. In other words adaptation is made to the design as a whole, but this adaptation is aimed at including citizens with disabilities in the design.

Through reasonable accommodation citizens with disabilities are treated as a special category of citizens, where provisions are added or modified ‘where needed in a particular case’ – identifying that these provisions sit outside of the norm. As such, reasonable accommodation looks at the needs of citizens with disabilities and tries to address those on top of existing practices, rather than revising existing practices. Using the example above, this would mean adding a voting machine exclusively to be used by citizens with disabilities, co-existing alongside the voting practice used by citizens without disabilities. A key point to note in the official definition of ‘reasonable accommodation’ is also that this can be limited in scope where ‘undue burden’ is perceived to exist. ‘Undue burden’ could here refer to costs, levelling the argument that the cost of creating reasonable accommodations is too high for a society to cope with.

This distinction, and what it communicates to citizens with disabilities in terms of their belonging, is worth keeping in mind when considering Section 7 of the report: experiences of citizens with disabilities. In Section 7 we discuss how research conducted by the Electoral Psychology Observatory, the qualitative evidence obtained from discussing with citizens living with disabilities suggested that many of them pointed to the fact that they want to be able to vote “like any other citizen”. This was notably discussed in such contexts as systems that enable citizens to vote remotely to ensure access or even compulsory voting systems that consider disabilities to relieve affected citizens of their obligations to vote.

As seen in Section 7, a frequent answer obtained by the researchers was that many citizens living with disabilities actually want to vote and that they should be able to do so at the polling station if they so wish. It should be noted that in a recent mapping exercise on good

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<sup>33</sup><https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-2-definitions.html> Retrieved January 10th, 2023

<sup>34</sup><https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-2-definitions.html> Retrieved January 10th, 2023

electoral practices addressing the participation of citizens with disabilities<sup>35</sup> out of the 22 Member States that responded only a few Member States, such as Sweden, indicated that they collected electoral statistical data related to citizens with disabilities (including statistical data disaggregated by types of disabilities). The lack of this data is one additional barrier that should be considered. As is visible from the Figure below on 2018 voter turnout by disability from Sweden, those with very reduced mobility had the lowest voter turnout, followed by voters with reduced capacity for activity and those with major problems with dyslexia and dyscalculia. Overall, voter turnout among citizens with disabilities was lower than those without disabilities.

Diagram 7.3. Valdeltagande i riksdagsvalet 2018 efter typ av funktionsnedsättning. Procent



Turnout in the election to the parliament 2018 by type of disability.

Hearing impairment  
No hearing impairment

Vision impairment  
No vision impairment

Very reduced mobility  
Reduced mobility  
No reduced mobility

Severe problem of asthma  
Mild symptoms of asthma  
No problems of asthma

Severe problem of allergy  
Mild symptoms of allergy  
No problems of allergy

Severe problem of psychological illness  
Mild symptoms of psychological illness  
No problems of psychological illness

Neuropsychiatric diagnosis  
No neuropsychiatric diagnosis

Major problems with dyslexia, dyscalculia  
Some problems with dyslexia, dyscalculia  
No problems with dyslexia, dyscalculia

Greatly reduced capacity for activity  
Some reduced capacity for activity  
No reduced capacity for activity

Persons with disabilities  
Person without disabilities

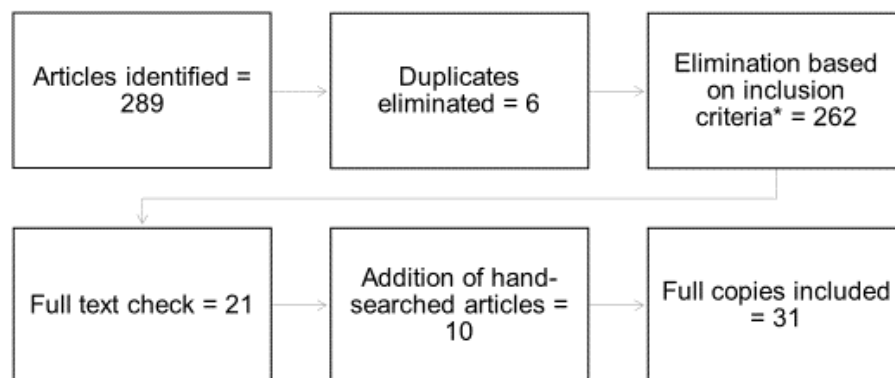
Figure 1: Voter turnout in Swedish parliamentary elections in 2018 by type of disability.

<sup>35</sup> Examples from Member States taken from “Scoping questions on good electoral practices addressing participation of persons with disabilities in the electoral process”. Shared by DG JUST on 15<sup>th</sup> February, 2023

As Figure 1 shows, electoral engagement (at least in one Member State) is shaped by type of disability. In current Member States, definitions of ‘citizens with disabilities’ are varied, with some having legal definitions and others not, with some emphasizing a definition that is related to inability to vote on their own, while others emphasize mental, intellectual and physical disabilities. However, while many of these definitions do not discriminate between visible and non-visible disabilities which is positive, many of the practices aimed at increasing accessibility implicitly end up only recognizing the visible disabilities and providing provisions for those.

### 3.5 Review of Existing Literature

In order to explore the state-of-the-art in the field of research on citizens with disabilities and electoral engagement, we have conducted a systematic literature review of recent academic publications. We designed several search queries on the Web of Science (WoS) to retrieve the most recent and up-to-date literature on relevant topics covered by this report. Figure 1 below provides an overview of this process.



**Figure 2: Literature review approach**

*Note: \*A set of inclusion criteria used to ensure reviewed articles addressed the scope of the report. This included: 1) *disab\** in title or abstract, 2) EU context focus (either specific European countries or EU broadly), 3) peer-reviewed article, 4) English language text, 5) Focus of study on electoral context or voting*

### 3.6 Overview of analysed data

Of the 31 articles reviewed in-depth, the majority (24) were empirical articles with research findings presented, while the remaining were either theoretical or critical reviews (7). Figure 2 below represents the articles according to country of data. For the remainder of the section, we focus primarily on the empirical articles.

It is worthwhile considering what kind of research is being done on citizens with disabilities in the European context, and where. Within our sample, 9 articles drew on data from the UK, 8 drew on data from multiple European countries (most commonly using European Social Survey data), and the remaining articles had data from Sweden (2), the Netherlands (2), Romania (1), Ireland (1) and Scotland (1). A limitation here might be language barriers, as one abstract identified in the initial review did focus on citizens with disabilities in the Croatian context, but the main text was in Croatian rather than English.

The datasets were primarily quantitative (14), mixed-methods (2), qualitative (7) or based on secondary text (2).

Much of the work reviewed (and dominant in the field) draws on secondary panel datasets, such as the European Social Survey. This means that many of the research questions and aims of studies are then subject to the availability of relevant data within these datasets. As such, researchers sometimes use measures as ‘proxies’ for concepts or phenomena in which they are interested. This comes with a set of limitations as researchers become restricted by how questions have been posed in surveys that do not necessarily have as their primary focus an exploration of the experiences of citizens with disabilities.

While it is encouraging to see qualitative research within the dataset, as this hints at the possibility of research that engages citizens with disabilities directly, a further inspection of the 7 articles tells a different story. Only two of the articles<sup>36</sup> (with data from Sweden and Scotland respectively) included actual citizens with disabilities (notably intellectual disabilities in both cases).

### 3.7 The Disability Gap

The disability gap refers to the gap in voter turnout of citizens with disabilities compared to citizens without disabilities. One study<sup>37</sup> analysed the disability gap in national elections between 2006 and 2016 in 24 European countries. The study found that a decade after the UN General Assembly adopted the CRPD, the disability gap in voter turnout had increased in a large part of the EU. As expected, variation was found from country to country, however, the average gap increased from 3.45 per cent in 2006 to 8.38 per cent in 2016 and remained statistically significant when controlling for potential confounders. Further, voter turnout was found to be positively related to the accessibility of information.

The countries with the largest gaps in percentage points were Italy (23.17), Poland (10.59), Hungary (9.65), and Belgium (9.64), while the countries with negative gaps in percentage points were Cyprus (-3.97), Ireland (-3.96), and Lithuania (-3.59). Lastly, the overall disability gap in voter turnout for all years and countries was calculated to be 5.31 percentage points and statistically significant ( $p < 0.05$ ).

As the report, published in 2022, concludes, “a decade after the UN General Assembly adopted the CRPD, the disability gap in voter turnout had increased in a large part of the EU” (p. 1358).

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<sup>36</sup> Kjellberg, A., & Hemmingsson, H. (2013). Citizenship and Voting: Experiences of Persons With Intellectual Disabilities in Sweden. *Journal of Policy and Practice in Intellectual Disabilities*, 10(4), 326-333. Willis, D. S., McGlade, I., Gallagher, M., & Menabney, C. (2016). Voting and the Scottish referendum: perspectives of people with intellectual disabilities and their family and paid carers. *Disability & Society*, 31(7), 914-928.

<sup>37</sup> Teglbjærg, Freideriki Carmen Mamali, Madeleine Chapman & Jesper Dammeyer (2022) The disability gap in voter turnout and its association to the accessibility of election information in EU countries, *Disability & Society*, 37:8, 1342-1361, DOI:10.1080/09687599.2021.1877116

### 3.8 Physical Barriers<sup>38</sup>

Physical barriers relate to inaccessible electoral environments, including inaccessible polling stations, mobility barriers and the inaccessible materials used in elections, such as ballot papers, polling booths or voting machines, and limited options for voting.

Existing research on citizens with disabilities has to a large extent focused on the physical barriers to participation, with multiple interventions proposed including<sup>39</sup>:

- Making polling stations more accessible
- Creating voting papers and election literature that is easy to read and available in accessible formats
- Providing training for polling staff to ensure they know how to support citizens with disabilities to vote
- Use of new technologies, such as e-voting

Relating to the accessibility of polling stations, Member States offer different solutions. Some Member States opt for enabling citizens with disabilities alternatives to voting at a polling station such as voting from home or by post (i.e., Denmark, Sweden). However, as voting at a polling station is often seen as a preferable option (see Section 7), best practices aimed at overcoming the physical barrier to access include organized transport (i.e., Belgium – federal government provides transport grants, Estonia – local government organize social transport, Spain – adequate free means of transport for citizens with motor disabilities) or, and possibly a more cost-efficient practice: enable voter registration to be transferred to more accessible polling stations (e.g., Belgium and Ireland).

In Ireland, The Electoral Reform Act 2022<sup>40</sup>, which was enacted on 25 July 2022, extends existing voting facilities available to citizens with physical disabilities only, to also now be available to citizens with mental health disabilities. This is a good example of extending the inclusivity of reasonable adjustments to all citizens with disabilities, both visible and invisible.

Accessibility of polling stations is not only limited to getting to the polling station, but also being able to exercise one's vote once there. Broadly, accessibility measures within the polling station include 1) provision of alternative ballot papers or assistive tools and 2) assistance within the polling booth by an accompanying person of trust (or equivalent). Examples include:

- Assistive tools such as magnifying glass to assist in reading and completing candidate list and ballot paper, LED-lamp for better/different light, thicker pens, height-adjustable

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<sup>38</sup>Examples from Member States taken from “Scoping questions on good electoral practices addressing participation of persons with disabilities in the electoral process”. Shared by DG JUST on 15<sup>th</sup> February, 2023

<sup>39</sup> Bell, D.M., McKay, C. and Phillips, K.J. (2001), “Overcoming the barriers to voting experienced by people with learning disabilities”, *British Journal of Learning Disabilities*, Vol. 29(4), pp. 122-127. Redley, M. (2008), “Citizens with learning disabilities and the right to vote”, *Disability & Society*, Vol. 23(4), pp. 375-384. Spagnuolo, N. and Shanouda, F. (2017), “Who counts and who is counted? Conversations around voting, access, and divisions in the disability community”, *Disability & Society*, Vol. 32(5), pp. 375-384. James, E., Hatton, C., & Mitchell, R. (2021). Participation of learning disabled people in the parliamentary election of 2019 in the United Kingdom. Tizard Learning Disability Review.

<sup>40</sup> <https://www.irishstatutebook.ie/eli/2022/act/30/enacted/en/pdf>

or lowered table (helpful for wheelchair users), enlarged voting paper (e.g., Denmark, Estonia, Hungary), Accessible Voting Kits in polling stations (upon request, i.e., Spain) which include ballot papers in Braille, the provision of poll cards in Braille and Braille voting templates at polling stations (e.g, Germany, Croatia, Ireland, Lithuania, Luxembourg, Portugal, Slovenia).

- Assistance within the polling booth, by a person of choice or by an electoral official. Currently, many countries (e.g., Croatia) place conditions on who is eligible to provide this assistance, which in some cases means it is a stranger, rather than a person of choice and whom a citizen with disabilities might feel safe with and trust to help them.

Braille voting templates which are placed on top of ballot papers enable visually impaired citizens to vote without assistance. Assistive tools such as these, could be preferable to voter assistance by other persons, as they enable the independence of the voter, and the secrecy of their vote, to be maintained to a greater extent. Enabling these within polling stations as a regular feature (such as in Portugal), rather than making them opt-in requested 'kits' for individual voters (such as in Spain) could be somewhat more costly (however multiple kits might be brought to the same polling station and so a cost-analysis is required).

Additionally, for voters who do not have audio-visual impairments, but perhaps have motor-impairments impacting their ability to write, or intellectual disabilities that make spelling difficult, writing out the name of a candidate or party can pose an obstacle. A better solution is to allow marking ('X') on a ballot paper (of appropriate size), as is currently the practice in Romania (using a stamp) and Portugal. Additionally, a vote in Portugal is counted if it clearly indicates the will of the voter, even though his or her mark on the ballot may fall outside the box.

When considering alternative methods of voting, as means to overcome physical barriers but also support those with mobility issues and other disabilities, postal voting and e-voting have been considered. Provisions, and availability of, postal voting varies between Member States. A common trend seems to be that the provision of postal voting is not adapted for the needs of citizens with disabilities, as no additional provisions or materials are included with postal ballots. An exception comes from Germany<sup>41</sup>, where blind citizens can order ballot paper templates which are accompanied by a CD that includes official election information in Braille and instructions for using the template. This enables postal voting to be adapted to the needs of citizens with disabilities, rather than be an alternative to in-person voting which ends up placing the burden on the voter to figure out how to actually 'use' postal voting to participate.

In 2022 a proposal for a new EU Electoral Law was adopted which, under Article 8 on Postal Voting states that "Member States shall provide for postal voting in elections to the European Parliament, including for citizens living in a third country, and shall adopt measures that ensure that postal voting is accessible, in particular for persons with disabilities"<sup>42</sup>. Making postal voting accessible however, requires not only making it an

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<sup>41</sup> [https://www.eesc.europa.eu/sites/default/files/files/breaking\\_down\\_the\\_barriers\\_0.pdf](https://www.eesc.europa.eu/sites/default/files/files/breaking_down_the_barriers_0.pdf)

<sup>42</sup> [https://www.europarl.europa.eu/doceo/document/A-9-2022-0083\\_EN.html](https://www.europarl.europa.eu/doceo/document/A-9-2022-0083_EN.html)

eligible alternative for citizens with disabilities but including reasonable adjustments to how postal voting is conducted (including what information is sent with the vote and in what format) that is adapted to their specific type of disability.

The use of mobile ballot boxes exists in limited Member States, including the Czech Republic, Hungary, Latvia, Ireland and Portugal and Romania. It is unclear from existing data and reports to what extent these are tailored to, or accessible to, all citizens with disabilities or restricted to those with mobility issues more broadly (temporary or permanent). In some cases (Portugal) these are restricted to hospitalized individuals, while in others, such as Hungary and Romania, they are more of a permanent feature of electoral processes enabling flexibility in travelling to voters' homes. In some, they also enable permanent carers to vote with the citizens with disabilities, as is the case in Slovakia. In Poland "closed polling stations" are organised at hospitals and long-term care institutions that have at least 15 people staying there. As mobile voting (or voting away from a polling station) might be less of a 'participatory' experience, enabling carers to vote with the citizen with disabilities or creating closed polling stations are both good examples of ways of creating a more participatory and community-oriented experience of voting. A strong focus of the literature is testing the design of electronic voting machines and electronic ballots for people with disabilities, especially the visually impaired, people with low literacy and the elderly. Key to this literature is considering whether the introduction of accessibility measures might have unintended consequences and become inaccessible to other voters. For example, is the use of technologies for voting a barrier to elderly people who might be less technologically literate? Not necessarily. In a 2019 study<sup>43</sup> of Dutch citizens who were visually impaired, low literacy and elderly, the introduction of e-voting (using a touchscreen) was found by all three groups as easier than the current paper ballot and enabled a higher percentage of visually impaired voters to vote independently. For the local elections in 2018 and the federally organised elections in 2019, Belgium developed a pilot project, supporting electronic voting computers with an audio module, so blind persons would be able to vote independently. This pilot project was developed in close cooperation with authorities for persons with disabilities and associations representing blind persons, enabling close co-creation of accessibility initiatives.

Postal voting exists as an alternative for voters for whom polling stations are inaccessible. Research finds that citizens with disabilities are more likely to use postal voting than more mobile citizens, and that this is driven mainly by practical concerns<sup>44</sup>.

Another alternative method accessible to citizens with disabilities is proxy voting. However, despite this option being available, it does not seem to be a preferred option. In the same Dutch study mentioned above, only 10% of citizens with physical disabilities and 14.5% of

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<sup>43</sup> van Eijk, D., Molenbroek, J., Henze, L., & Niermeijer, G. (2019). Electronic voting for all: Co-creating an accessible interface. In S. Bagnara, R. Tartaglia, S. Albolino, T. Alexander, & Y. Fujita (Eds.), Proceedings of the 20th Congress of the International Ergonomics Association (IEA 2018) - Volume VII: Ergonomics in Design, Design for All, Activity Theories for Work Analysis and Design, Affective Design (Vol. VII, pp. 800- 809). (Advances in Intelligent Systems and Computing; Vol. 824). Springer. [https://doi.org/10.1007/978-3-319-96071-5\\_84](https://doi.org/10.1007/978-3-319-96071-5_84)

<sup>44</sup> Townsley, J., Turnbull-Dugarte, S. J., Trumm, S., & Milazzo, C. (2023). Who votes by post? Understanding the drivers of postal voting in the 2019 British General Election. *Parliamentary Affairs*, 76(1), 43-61.



citizens with learning impairments preferred proxy voting to voting in a polling station. As we argue in Section 7 below, drawing on bespoke research from the Electoral Psychology Observatory, the unattractiveness of proxy voting might be due to its implicit exclusion of citizens with disabilities from 'public' life. In other words, participating in elections is a way of participating in the social rituals shared within a shared public life, which includes going to vote. Removing this possibility, or even encouraging citizens with disabilities to opt for proxy voting, can implicitly communicate that they are not equal members of, or desired members of, visible public life.

In considering the findings that postal voting tends to be more common among citizens with disabilities but that proxy voting is seen as not very desirable, it is worth questioning what distinguishes these two alternative methods. Postal voting, for some citizens with disabilities, is more practical and less time-consuming. It could be said that proxy voting is the same. However, the subtle distinction here is who the agent of the action is. For postal voting, citizens are themselves actively casting their vote, for proxy voting, this act is in the hands of someone else. Therefore, when considering alternative methods to in-person voting, we should consider to what extent they lend citizens a sense of political agency and participation in public life, rather than simply an avenue through which their vote can become part of the larger voter turnout statistic.

While the studies reviewed mention different forms of voting, some general conclusions can be drawn. First, one size does not fit all. Using the example of e-voting, we see that there are important differences in the way voters interact with electronic voting systems depending on their disability. For instance, in the aforementioned Dutch study, qualitative feedback from participants indicated that visually impaired voters found elements of the e-voting system more difficult than elderly people and those with non-visual disabilities.

This leads to a second point, which is that accessibility measures aimed at promoting greater involvement of citizens with disabilities in Europe need to be co-created with the intended users, where citizens themselves can take part in the early conceptualization phase and provide feedback. Two good examples of this come from Finland and Belgium, which consult representatives from disability organizations in the development of Accessibility Checklists for Elections (FI) and new accessibility initiatives (such as piloting new templates for paper voting in the upcoming 2024 election, BE).

### 3.9 Informational Barriers

Information barriers refer to barriers related to the accessibility of information and knowledge of how electoral processes work (the 'when', 'where' and 'what' of voting), understanding both the procedures before and during an election, as well as access to easy-to-read information about candidates, parties and policies.

A Dutch study<sup>45</sup> on experiences of people with disabilities during the 2017 national election found that informational barriers were two of the three main forms of barriers identified for

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<sup>45</sup> van Hees, S.G.M., Boeije, H.R. and de Putter, I. (2017), "Voting barriers and solutions: the experiences of people with disabilities during the Dutch national election in 2017", *Disability & Society*, Vol. 34(5). pp. 819-836.

citizens with learning impairments. Crucially, this study highlights how citizens with different disabilities experience different barriers, as the concerns for those with mobility, auditory and visual impairments do not necessarily hinder information accessibility and processing, while this would certainly be the case for those with learning impairments.

Citizens with disabilities are more likely to be knowledgeable about politics in countries where key information is provided in accessible formats. Political knowledge in turn is positively associated with political efficacy, and this is a strong predictor of electoral participation<sup>46</sup>. Examples of good practice that are common in Member States include the use of 'easy to read' information guides or leaflets which are made accessible to voters (often online or upon request), the inclusion of subtitles and/or sign-language on all videos shared by the electoral commission, the availability of candidate lists which can be adapted for visually impaired voters (Latvia) and free-to-use helplines for voters (Finland), especially those who will be voting via accessible means (i.e., Spain). Most of these practices by Member States refer explicitly to material shared via websites and follow guidelines defined in the international standard WCAG 2.1 at level AA. It should also be noted that under the Web Accessibility Directive<sup>47</sup>, Member States have an obligation to ensure the accessibility of the websites and mobile applications of public sector bodies, including election authorities, by making them perceivable, operable, understandable and robust.

Another study examining voter turnout among citizens with disabilities and the accessibility of election information in 24 European countries (between 2006-2016) found that living in a country with a high degree of election information accessibility increases the likelihood of having voted in the last national election<sup>48</sup>. This association between national-level election information accessibility and voter turnout was not only positive for citizens with disabilities, but all citizens. In other words, creating more accessible information around elections benefit the electoral community as whole, including citizens with disabilities. This could then be considered as a potential practical goal with positive consequences for key vulnerable groups, but also for the broader public.

A key approach to combat informational barriers is targeted marketing campaigns. In the UK 2019 election, such a campaign ('Promote the Vote') increased both the proportion of citizens with learning disabilities who registered to vote and who subsequently voted<sup>49</sup>. However, in many Member States Electoral Commissions or Electoral Management Bodies are not responsible for ensuring political party information or advertising is accessible, or to promote voter turnout, as this is viewed as the responsibility of parties and/or candidates. There is however more guidance and restriction on the media. For example, in Hungary according to the rules of Act CLXXXV of 2010 on Media Services and on the Mass Media the providers of audio-visual media services shall strive to ensure that their services are

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<sup>46</sup> Reichert, F. (2016). "How Internal Political Efficacy Translates Political Knowledge into Political Participation: Evidence from Germany." *Europe's Journal of Psychology* 12 (2): 221–241. doi:10.5964/ejop.v12i2.1095.

<sup>47</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32016L2102>

<sup>48</sup> Teglbjærg, Freideriki Carmen Mamali, Madeleine Chapman & Jesper Dammeyer (2022) The disability gap in voter turnout and its association to the accessibility of election information in EU countries, *Disability & Society*, 37:8, 1342-1361, DOI:10.1080/09687599.2021.1877116

<sup>49</sup> James, E., Hatton, C., & Mitchell, R. (2021). Participation of learning disabled people in the parliamentary election of 2019 in the United Kingdom. *Tizard Learning Disability Review*.

gradually made accessible to the hearing impaired, and all of the TV spots of the National Election Office are subtitled<sup>50</sup> in line with Article 7 of the Audiovisual Media Services Directive<sup>51</sup>.

Therefore, informational barriers to some extent supersede physical barriers (or the potential impact of the physical environment) as citizens with disabilities who struggle to access and understand key information about elections might ultimately feel disempowered and unwilling to participate.

To tackle this, it is important to provide information that equips citizens with disabilities so that they feel confident and comfortable to vote at a polling station (if possible). This requires providing information that demystifies the electoral process and gives citizens the tools to plan ahead, take control over their situation and feel empowered to act. For example, the Election Commission of Bulgaria makes a film available on its website that describes the voting procedure for citizens with disabilities and includes sign language translation. The Central Electoral Commission of Lithuania provides an online map that identifies polling stations best suited to voters with reduced mobility, and in the Netherlands some municipalities organize simulations that offer voters a chance to ‘practice’ casting their vote ahead of election day<sup>52</sup>. These three examples are excellent practices that provide citizens with information not only about what electoral procedures are but also how to plan for their participation and design their participation in a way that is most enjoyable and safe for them.

### 3.10 Assistance Barriers

Barriers to assistance include limited access to support or assistance when going to vote in a physical polling station, lack of training for polling staff on how to provide this assistance, variability in who is afforded assistance and financial support to provide assistance.

A 2015 report by the European Union Agency for Fundamental Rights<sup>53</sup> (FRA) found variations in the provision of assistance for all citizens with disabilities.

In 14 EU Member States assistance in voting is available to citizens with physical, visual and intellectual disabilities. These are Croatia, Cyprus, the Czech Republic, Denmark, Finland, Germany, Hungary, Ireland, Luxembourg, Poland, Portugal, Slovakia, Slovenia and Sweden.

In 6 other member states (Austria, Greece, Latvia, Lithuania, Malta and the Netherlands) assistance is only available to citizens with physical or sensory impairments. In Malta, assistance can only be provided by electoral officials, while in Croatia, Latvia, Lithuania, Poland and Slovakia, the legislation prohibits election officials from assisting.

In 2022 a proposal for a new EU Electoral Law was adopted which, under Article 7 on Accessibility states that “Member States shall ensure that persons with disabilities receive, at their request, assistance in voting by a person of their choice”<sup>54</sup>. One study in Scotland<sup>55</sup>

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<sup>50</sup> <https://www.valasztas.hu/2022.-evi-orszaggyulesi-valasztas-es-nepszavazas>

<sup>51</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02010L0013-20181218>

<sup>52</sup> [https://www.eesc.europa.eu/sites/default/files/files/breaking\\_down\\_the\\_barriers\\_0.pdf](https://www.eesc.europa.eu/sites/default/files/files/breaking_down_the_barriers_0.pdf)

<sup>53</sup> <https://fra.europa.eu/en/content/there-legal-duty-provide-assistance-persons-disabilities-during-voting>

<sup>54</sup> [https://www.europarl.europa.eu/doceo/document/A-9-2022-0083\\_EN.html](https://www.europarl.europa.eu/doceo/document/A-9-2022-0083_EN.html)

in 2016, which examined voting in the Scottish referendum among citizens with intellectual disabilities found that support at polling stations was varied, and it was one of the reasons why many carers (both family carers and paid carers) had decided to move the persons under their care to postal voting. Another obstacle relates to proxy voting restrictions, which might lead to the switch to postal voting. For example, in the Scottish context (as in others) a proxy voter can only cast a vote for a maximum of two people. If this proxy voter is a paid carer it means that for citizens living in communal homes, they may be unable to vote via proxy because of the limited availability of carers to serve as proxy voters<sup>56</sup>.

In terms of assistance and support from electoral officials and authorities, the guidelines provided usually focus on physical or visible disabilities, and training for election authorities on non-discriminatory behaviour is not required by law. However, in 14 EU Member States – Belgium, Bulgaria, Cyprus, the Czech Republic, Finland, France, Germany, Greece, Ireland, Italy, Lithuania, Poland, Slovenia, and Spain – the research indicates that training material or specific instructions on how to ensure non-discrimination on the ground of disability and accessibility in voting procedures is provided.

Training for electoral officials seems to focus on how to communicate with citizens with disabilities and how to provide support if requested. For example, in Spain, the manual emphasizes treating citizens with disabilities as autonomous and independent, and not assuming they need help because they have a disability. Good practice is to develop these checklists in cooperation with disability organizations, as is the case in Belgium and Finland (and most recently in Latvia in the 2022 election). What seems to be missing however, is raised awareness around the diversity of forms of disabilities and how they might shape the interactions with, or behaviours of, citizens with disabilities differently. Inclusion of a paragraph outlining not only the legal definition of ‘citizens with disabilities’ but examples of different forms of disabilities and how they shape cognition and behaviour, would be beneficial to develop in guidance to electoral officials and staff. Furthermore, the inclusion of a self-assessment diagnostic on how much electoral officials already know (and their level of sensitivity) would be beneficial. A similar practice, albeit perhaps less focused on implicit assumptions and more on explicit knowledge, comes from Denmark. In Denmark, The Ministry of the Interior and Housing has prepared a quiz for (amongst others) the election officials to test their knowledge on how to assist voters. The quiz is made to bring focus on the rules, but it could easily be expanded to bring focus to blind-spots in existing knowledge about who citizens with disabilities are, their diverse needs in polling stations and how to adapt to those.

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<sup>55</sup> Willis, D. S., McGlade, I., Gallagher, M., & Menabney, C. (2016). Voting and the Scottish referendum: perspectives of people with intellectual disabilities and their family and paid carers. *Disability & society*, 31(7), 914-928.

<sup>56</sup> Electoral Commission. 2015. <http://www.electoralcommission.org.uk/> Accessed January 27<sup>th</sup>, 2023.

### 3.11 Societal Barriers

A developing area of research focuses on the societal barriers to electoral engagement, specifically the broader social and cultural norms and attitudes which shape perceptions about participation of citizens with disabilities both as voters and as candidates<sup>57</sup>.

One such study<sup>58</sup>, drawing on European Social Survey (ESS) data covering 32 European states between 2002–2012, found that the disability gap in voting (the fact that citizens with disabilities are less likely to vote than citizens without disabilities) is further amplified when there is a perception that they are being discriminated against on the basis of their disability.

How citizens with disabilities are being perceived, and whether their impairments positively, negatively or as neutral are viewed is culturally constructed and will vary, but literature shows that citizens with cognitive impairments are often judged as less deserving than those with physical or sensory impairments<sup>59</sup>. Social interactions with others, and the image of ‘us’ that they communicate can have a negative impact on our sense of esteem and how we view ourselves. This in turn can form a powerful barrier to participation and engagement, as self-stigmatization can lead to citizens withdrawing from public life and feeling that their right to participate is not equal to that of others in society.

Exposure to a positive, and supportive social network can be powerful. A study in Sweden<sup>60</sup>, interviewing citizens with disabilities three times between 1998-2006 found that ‘significant persons’, defined as people who are important to the participants in terms of having political discussions and getting support in the actual voting process (be they parents, siblings or carers) have an important and positive effect on their political participation.

Similar trends are found when exploring the role of support networks for citizens with disabilities wishing to develop political careers. Lack of social networks, such as limited ‘social resources’, lack of mentoring or role models as well as social isolation from political spheres can limit the development of political capital, leadership skills and ultimately the exploration of a political career among citizens with disabilities<sup>61</sup>. Similarly, support measures aimed at promoting the participation of citizens with disabilities in the life of political parties are often non-existent, as Member States cite that this falls outside of their jurisdiction<sup>62</sup>. This includes limited financial support for candidates with disabilities. In

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<sup>57</sup> Agran, M., MacLean, W. and Kitchen Andren, K.A. (2015), “‘I never thought about it’: teaching people with intellectual disability to vote”, *Education and Training in Autism and Developmental Disabilities*, Vol. 50 (4), pp. 388-396. Agran, M., MacLean Jnr, W.E. and Kitchen Andren, K.A. (2016), “‘My voice counts, too’: voting participation among individuals with intellectual disability”, *Intellectual and Developmental Disabilities*, Vol. 54(4), pp. 285-294.

<sup>58</sup> Mattila, Mikko, and Achillefs Papageorgiou. 2016. “Disability, Perceived Discrimination and Political Participation.” *International Political Science Review* 38 (5): 505–519. doi:10.1177/0192512116655813.

<sup>59</sup> Harpur, P., U. Connolly, and P. Blanck. 2017. “Socially Constructed Hierarchies of Impairments: The Case of Australian and Irish Workers’ Access to Compensation for Injuries.” *Journal of Occupational Rehabilitation* 27 (4): 507–519. doi:10.1007/s10926-017-9745-7.

<sup>60</sup> Kjellberg, A., & Hemmingsson, H. (2013). Citizenship and Voting: Experiences of Persons With Intellectual Disabilities in Sweden. *Journal of Policy and Practice in Intellectual Disabilities*, 10(4), 326-333.

<sup>61</sup> Waltz, M., & Schippers, A. (2021). Politically disabled: barriers and facilitating factors affecting people with disabilities in political life within the European Union. *Disability & Society*, 36(4), 517-540.

<sup>62</sup> Examples from Member States taken from “Scoping questions on good electoral practices addressing participation of persons with disabilities in the electoral process”. Shared by DG JUST on 15th February, 2023

Romania, a proposal to amend and supplement Law no. 334/2006 on the financing of the activity of political parties and electoral campaigns had the aim to address this. The amendment would aim to provide reimbursement for electoral campaign expenses i) related to the specific needs generated by the disability, such as a mime-gestural interpreter, personal assistant and/or certain access technologies and assistive devices, other than those provided for in letter ii), in the amount of a maximum of 20% of the total expenses that can be incurred in the electoral campaign; iii) expenses related to the creation and distribution of electoral propaganda materials in formats accessible to persons with disabilities, other than those provided for.

While there is some research and guidance on societal barriers, research on citizenship for people with disabilities could be further developed, as a limitation to democratic participation “may be interpreted as the marginalization of people in vulnerable situations who are not always able to claim their rights on their own.”<sup>63</sup>

### 3.12 Different disabilities bring about different barriers

Overall, the literature points towards the need to take a nuanced approach that looks at each disability separately and at the same time preserves the essential principles of vote casting, namely non-coercion, secrecy and anonymity.

However, it also highlights what some scholars have called the “hierarchy of impairments”<sup>64</sup>, where perceptions of, and attitudes towards, citizens with disabilities, will vary depending on the type of impairment they have, and how it originated. The tendency to focus more on addressing accessibility through the physical environment indicates that citizens with visible disabilities are judged as more important to include, than those with more diverse disabilities.

Bruter and Harrison (2019) use the concept of “Effective Access to the Vote”, which aggregates all aspects of registration, vulnerable categories accessibility, and ability to vote for all citizens on Election Day or through remote voting into one measure which we promote as the key synthetic metric of the quality of electoral democracy across systems. Designing electoral procedures which meet the psychological needs of citizens – both for the general population and for the most vulnerable voter categories (such as first-time voters, citizens with disabilities, voters with literacy problems, etc.) is crucial.

In that sense, their concept of “Effective Access to the Vote” intends to provide a unified measure of exclusion which takes into account all three key “tension points” which may result in citizens effectively being excluded (or insufficiently included) when it comes to their democratic participation.

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<sup>63</sup> Chalachanová, A., Lid, I. M., & Gjermestad, A. (2021). Citizenship of persons with intellectual disabilities within the frame of inclusive research: A scoping review of studies to inform future research. *Alter*, 15(2), 139-152.

<sup>64</sup> Deal, M. 2003. “Disabled People’s Attitudes towards Other Impairment Groups: A Hierarchy of Impairments.” *Disability & Society* 18 (7): 897–910. doi: 10.1080/0968759032000127317. Hernandez, B., C. Keys, and F. Balcazar. 2000. “Employer Attitudes towards Workers with Disabilities and Their ADA Employment Rights: A Literature Review.” *Journal of Rehabilitation* 66: 4–16. Waltz, M., & Schippers, A. (2021). Politically disabled: barriers and facilitating factors affecting people with disabilities in political life within the European Union. *Disability & Society*, 36(4), 517-540.

Bruter and Harrison also suggest that the corollary to this concept of Effective access to the vote should be a “triple A” standard of full Access, Adaptability, and Accuracy intended to resolve electoral exclusion and adapt electoral ergonomics and organisation to fit the needs of the broadest possible range of citizens in all their diversity without sacrificing electoral accuracy and the basis of each citizen having one vote.

### 3.13 On the costs of accessibility adjustments

In examining the literature, only two papers mentioned concerns around costs.

Sepulchre (2020)<sup>65</sup> argues that disability politics in the present have reached a ‘rights-versus-costs impasse’. For example, the emphasis on ‘undue burden’ mention concerning reasonable accommodations can be interpreted as a cost issue. Sepulchre draws on the example of Sweden, showing how between 2016-2017 a contradictory situation emerged: while the Swedish state authorities were taking steps to ensure the rights of citizens with disabilities as stipulated in the CRPD, they were simultaneously reducing the expenditure on disability measures.

A study on barriers to participation in political life, which compared data from Belgium, Germany, France, Denmark and the UK, found that the UK was the only country where state funds were available to compensate candidates with disabilities for disability-related costs during political campaigns<sup>66</sup>. Supplementing document analysis with interviews with politicians and political activists, the authors argue that “One notable result from our interviews was that personal assistance (PA) services funded by EU states can have a major impact on political participation.”<sup>67</sup>

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<sup>65</sup> S epulchre, M. (2020). Ensuring equal citizenship for disabled people: A matter of rights or a matter of costs?. *Alter*, 14(2), 114-127.

<sup>66</sup> Waltz, M., & Schippers, A. (2021). Politically disabled: barriers and facilitating factors affecting people with disabilities in political life within the European Union. *Disability & Society*, 36(4), 517-540.

<sup>67</sup> *Ibid.*, 523.

## 4. Relevant legislation and standards for the electoral rights of persons with disabilities

### 4.1 EU law

The electoral rights of EU citizens figure in the EU Treaties and the EU Charter. According to Article 20 TFEU, citizens of the Union shall enjoy the right to vote and to stand as candidates in elections to the European Parliament and in municipal elections in their Member State of residence, under the same conditions as nationals of that State. Moreover, Articles 39 and 40 of the EU Charter state that every citizen of the Union is entitled to enjoy the right to vote and stand as a candidate for the European Parliament and municipal elections in the state of residence. These rights are part of the EU citizenship rights.<sup>68</sup> According to the *Delvigne* judgment delivered by the Court of Justice of the EU,<sup>69</sup> Article 39(1) of the EU Charter corresponds to the right guaranteed in Article 20(2)(b) and expresses the right of Union citizens to vote in elections to the European Parliament in accordance with Article 14(3) TEU and Article 1(3) of the 1976 Act.

While the Commission promotes inclusive participation in elections to the European Parliament through non-legislative measures, as EU law currently stands, the definition of the persons entitled to exercise the right to vote and stand in elections to the European Parliament falls within the competence of each Member State in compliance with EU law.

### 4.2 International standards

The EU and the Member States are signatory parties to several international law instruments that guarantee the effective enjoyment and exercise of the right to vote of citizens with disabilities. The European Convention on Human Rights (ECHR) protects both the right to vote<sup>70</sup> as well as the right not to be discriminated against.<sup>71</sup> It follows that the EU Member States are demanded to protect the right to vote on their territory and prohibit discrimination in this respect. In 2002, the Venice Commission, an advisory body of the Council of Europe to which all EU States are members, adopted the Code of Good Practice in Electoral Matters.<sup>72</sup> This document states that the five principles underlying Europe's electoral heritage are universal, equal, free, secret and direct suffrage. In particular, universal suffrage according to the same document means that all human beings have the right to vote and stand for elections. Under the Revised interpretative declaration to the Code of Good Practice in Electoral Matters on the Participation of People with Disabilities, it is established that "Voting procedures and facilities should be accessible to people with disabilities so that they are able to exercise their democratic rights, and allow, where necessary, the provision of assistance in voting, with respect to the principle that voting must be individual."<sup>73</sup>

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<sup>68</sup> Case C-145/04 *Kingdom of Spain v United Kingdom of Great Britain and Northern Ireland*.

<sup>69</sup> C-650/13 *Delvigne v Commune de Lesparre-Médoc, Préfet de la Gironde*.

<sup>70</sup> Article 3 of the Protocol n. 1 attached to the ECHR.

<sup>71</sup> Article 14 ECHR.

<sup>72</sup> <https://rm.coe.int/090000168092af01>.

<sup>73</sup> The Code, item I.4.b, see [https://www.venice.coe.int/webforms/documents/CDL-AD\(2011\)045.aspx](https://www.venice.coe.int/webforms/documents/CDL-AD(2011)045.aspx)



In 2011, the EU and the Member States signed the UN Convention on the Rights of Persons with Disabilities (CRPD),<sup>74</sup> which was ratified by all EU Member States.<sup>75</sup>

### 4.3 ECtHR case law

Also, the European Convention on Human Rights indirectly protects the right to vote. It reads: 'The High Contracting Parties undertake to hold free elections at reasonable intervals by secret ballot, under conditions which will ensure the free expression of the opinion of the people in the choice of the legislature.'

In a judgment issued on 5 July 2022, the Strasbourg Court raised interesting points on the right to vote of disabled persons under the European Convention on Human Rights. The applicant complained that he had been unable to exercise his voting rights during the 2017 parliamentary elections in Bulgaria. His right to vote had been automatically withdrawn, in line with the Constitution after he had been placed under partial guardianship owing to psychiatric issues in 2000. The applicant submitted that his automatic disenfranchisement on account of his being under partial guardianship and without an individual judicial assessment had been disproportionate. In his view, the exclusion of disabled people, including those suffering from mental disorders, from the possibility to vote in elections contravened international standards. The European Court of Human Rights held that there had been a violation of Article 3 of Protocol No. 1 to the Convention, finding that the indiscriminate removal of the applicant's voting rights – without individual judicial review and solely because he had been placed under partial guardianship – had not been proportionate to the legitimate aim for restricting the right to vote. It noted, in particular, that the restriction did not distinguish between those under total guardianship and those under partial guardianship. Furthermore, there was nothing to show that the Bulgarian legislature had ever sought to weight the competing interests or to assess the proportionality of the Constitutional restriction as it stood. In the present case, the applicant had lost his right to vote as the result of an automatic, blanket restriction on the franchise of those under partial guardianship with no individual judicial evaluation of his fitness to vote. The Court reiterated that such blanket treatment of all those with intellectual or psychiatric disabilities was questionable, and the curtailment of their rights must be subject to strict scrutiny.

### 4.4 Gaps

EU and the Member States should collaborate to fill gaps in election accessibility for persons with disabilities by identifying common references. Furthermore, the EU and the Member States could cooperate to identify common references on enabling individuals with disabilities to effectively express their political, voting rights.

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<sup>74</sup> United Nations, Convention on the Rights of Persons with Disabilities (CRPD), available at <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html>.

<sup>75</sup> [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-15&chapter=4&clang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-15&chapter=4&clang=en).

#### 4.5 Legal frameworks and measures for voters in EU Member States

According to publicly available information, since the 2014 EU elections, six Member States have abolished restrictions on the right to vote for people with intellectual disabilities. These are France, Germany, Spain, Denmark, Ireland and Slovakia.<sup>76</sup> Belgium and Czechia have changed their laws to end the automatic deprivation of voting rights for people under guardianship. According to recently published data, in 2021 there were around 800,000 people from 16 Member States deprived of their right to vote in the EU elections based on their disabilities.<sup>77</sup>

Italy offers numerous examples of legislation concerning the promotion of voting rights of individuals with disabilities.<sup>78</sup> Italian laws provide four avenues for individuals with disabilities to fully exercise their right to vote: first, they have the right to vote from home; second, they have the right to be accompanied to the polling station by another person; third, they enjoy the right to vote from a different polling station without physical barriers; fourth, they can access free transportation to the polling station. In particular, Article 1 of the Law n. 22 of 27 January 2006, as amended by Law n. 46 of 7 May 2009, provides that individuals with very serious infirmities and those whose survival depends on medical devices are entitled to vote from their homes. Law n. 15 of 15 January 1991 further grants the right to vote in a polling station different from that originally assigned to voters who encounter accessibility obstacles. Moreover, Article 29 of Law n. 104 of 5 February 1992 provides that individuals with physical limitations have the right to be accompanied by another person when expressing their vote.

Similarly to Italy, France also offers a varied range of measures to facilitate the vote of persons with disabilities.<sup>79</sup> Besides the vote from home and the right to be accompanied, Law n. 62-2 and the Decree n. 56-3 establish that all polling stations should be provided with at least one voting booth accessible for individuals with disabilities. Moreover, Law n. 2019-222 of 23 March 2019 provides that all individuals who could not previously vote due to a decision of justice concerning their infirmities can register in electoral lists. Finally, individuals with disabilities can also vote by proxy like all French citizens.

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<sup>76</sup> See <https://www.inclusion-europe.eu/wp-content/uploads/2015/03/Voting-Rights-1.pdf>.

<sup>77</sup> See <https://www.inclusion-europe.eu/wp-content/uploads/2015/03/Voting-Rights-1.pdf>.

<sup>78</sup> <https://www.disabili.com/aiuto/articoli-qaiutoq/elezioni-e-voto-disabili-tutto-quello-che-c-e-da-sapere#trasporto>

<sup>79</sup> See <https://www.interieur.gouv.fr/Archives/Archives-elections/Comment-voter/Le-vote-des-personnes-handicapees>.

## 5. Experiences of voters with disabilities

As Section 4 highlighted, existing research on the diversity of experiences of citizens with disabilities is limited. Much of the work reviewed (and dominant in the field) draws on secondary panel datasets, such as the European Social Survey, the British Elections Survey or similar. This means that many of the research questions and aims of studies are then subject to the availability of relevant data within these datasets. For example, researchers might have concepts that they are interested in exploring, and have to find ways to use existing measures as proxies for those concepts.

At the Electoral Psychology Observatory (EPO) we take a subject-centric approach towards research on electoral experience and engagement. As such, in the research we have conducted with citizens with disabilities, we have focused on first-hand accounts and lived experiences of these individuals. Below, we share unpublished research findings from research conducted by our team.

Our research is both qualitative and quantitative in nature. In our quantitative work, we have focused on citizens with hidden disabilities (in the UK and the US context). Hidden disabilities are disabilities that are not directly visible to others (also referred to as "non-visible disabilities"). Drawing on two datasets of primary data collected with representative samples in the UK (n = 2000) and the US (n = 2700), we found that 25.9% of participants in both countries reported having a disability, while 9.1% reported having a hidden disability. In comparing participants with physical v. hidden disabilities, we found that citizens with hidden disabilities express a great deal of negativity towards electoral politics. Elections spark greater experiences of negative emotions (including hopelessness), and a decreased desire to vote.

Probing the experiences of citizens with disabilities further, we have conducted interviews with citizens with disabilities in partnership with a disability charity in the UK. The interviews highlighted that for citizens with disabilities, a key desire is to participate in public and political life, on the same terms as other citizens. In one interview, a male participant explained why he prefers going to the polling station rather than postal voting;

*Because I'm going to have that I'm going to have that interaction with the people that give out the papers and give out the pencils and paints. And it's good to go and interact with those wonderful people, because they're doing a lot of hard work last year in the general election. I said, when I when I cast my vote, cast my vote, I wanted to pass them: 'Are you doing a fantastic job! Have a good night and have a nice weekend!'*

When asked about how he would feel if he was unable to go to the polling station he explained;

*Oh, how would I feel? Cos I'm very, very cross. Very, very angry. I feel I'd be very, very stressed out, I'd be very stressed that I would feel I would feel it. I would also feel I would feel that it's a bit unfair. And that would be, and that would not be a very nice feeling as well. And I would feel very close and certain angry.*

Fairness on equal terms was important to participants. In a follow-up email to one interview, a father (carer) of a citizen with learning disabilities said;

*I should add that a primary reason for [son's name] enjoying the voting process is that **it makes him feel normal and part of normal society** – i.e. on an equal footing with normal people. He is so often unable to take part in activities because of his learning disabilities that he grabs every opportunity to do things that he can manage. Moreover, when voting he knows some of our parliamentary and local council candidates so can actually form his own opinions on them. Voting is also easy because candidates are identified on the voting papers with party logos as well as written names, and he can vote with a cross, so he is not disadvantaged by his lack of reading and writing skills.*

The emphasis on feeling normal and part of 'normal' society signals that for a lot of citizens with disabilities and their carers (or immediate care network), society implicitly communicates to them that they are outside of the norm and that they are not part of society's normal functioning. Another carer emphasized a similar point, that policies and changes aimed at including citizens with disabilities should not make them feel different in the process. This is a key consideration for debates around how reasonable adjustments are implemented, and the potential unintended consequences that they can cause for citizens with disabilities.

## 6. Case studies: Italy and France

Electoral arrangements and practices for citizens with disabilities in France and Italy are reviewed, with additional considerations implemented in elections during the Covid-19 pandemic.

### 6.1 Citizens with disabilities in France

Currently, citizens with disabilities in France can vote at the polling station and via proxy voting<sup>80</sup>.

Since January 1, 2022, political candidates for presidential, legislative and regional elections are further obliged to provide their information in 'easy to read and understand' digital formats<sup>81</sup>. The Ministry of Interior also advises candidates that they can provide video recordings of their information, to the benefit of visually-impaired citizens, yet this is a recommendation, not a requirement. Additionally, since January 1<sup>st</sup> the regulations around proxy voting have been relaxed, enabling a voter to nominate a proxy registered outside of his/her jurisdiction. However, the proxy is still required to vote in the polling station where the voter is registered<sup>82</sup>.

On March 23, 2019, France passed a law removing the possibility of judges to deprive adults under guardianships the right to vote, thus extending voting rights to this group of citizens as well.

As with the existing literature reviewed in Section 4, the key focus in France has been on addressing physical and informational barriers to the electoral engagement of citizens with disabilities.

French electoral guidance emphasizes the need to ensure citizens with disabilities can participate in public and political life 'on an equal basis with others'<sup>83</sup>. To facilitate this, the Ministry of Interior's website dedicated to voters with disabilities includes an accessible guide for voters, and guidelines for election organizers, election candidates and news media<sup>84</sup>

Guidance for election organizers focuses on:

- Accessibility of voting stations including; 1) physical accessibility of polling stations, 2) readability of polling materials (including using larger font sizes), 3) the design of ballot paper including which colours to avoid, 4) use of carpets to assist visually-impaired voters on a pathway from the station entrance to the booth<sup>85</sup>.

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<sup>80</sup><https://www.idea.int/news-media/news/special-voting-arrangements-svas-europe-country-postal-early-mobile-and-proxy>

<sup>81</sup> <https://www.elections.interieur.gouv.fr/comprendre-elections/comment-je-vote/vote-des-personnes-en-situation-de-handicap-laccessibilite-des>

<sup>82</sup> <https://www.service-public.fr/particuliers/actualites/A15478?lang=en>

<sup>83</sup> Mémento pratique à l'usage des organisateurs des scrutins et de tous les citoyens concernés (2022)

<sup>84</sup> <https://www.elections.interieur.gouv.fr/comprendre-elections/comment-je-vote/vote-des-personnes-en-situation-de-handicap-laccessibilite-des>

<sup>85</sup> Mémento pratique à l'usage des organisateurs des scrutins et de tous les citoyens concernés (2022)

- Accessibility of electoral information including providing training programmes, mock elections and documentation to enable citizens with disabilities to familiarize themselves with voting procedures
- Providing assistance, where requested by the voter, or enabling voters to bring a helper of their choice to assist them, encouraging candidates to provide information in print version, accessible text online and an easy-to-read version.
- Emphasis on the ability to maintain the secrecy of the vote and here citizens with a variety of disabilities are named (including physical, visual, developmental and learning disabilities).

Much of this guidance tends to include examples of citizens with ‘visible’ disabilities; motor impairment, visual and auditory impairment. This, to some extent, communicates that these are the disabilities both most common and most important, to provide accessibility to.

Guidance for electoral candidates similarly prioritizes visible disabilities over others, focusing on the accessibility of physical spaces for campaign gatherings, and how information shared in public meetings is made accessible (through reading-out-loud any documents distributed, use of sign language professionals, use of transcripts/subtitles alongside verbal communication and use of various platforms to enable communication with candidates’ offices. Guidance is also provided on how to create accessible campaign materials that are easy to understand<sup>86</sup>. Here, the focus is more explicitly on citizens with development and learning disabilities. Key to this guidance is that content distributed (via various candidate channels) is required to also exist in an ‘easy to understand’ format.

Interestingly, the guidance for news and media, which also emphasizes the importance of addressing informational barriers, is the first document that addresses the importance of language and terminology<sup>87</sup>. While the focus is on the media, we would argue that this guidance would be crucial to include elsewhere, including in information for election organizers and election candidates. In the context of electoral candidates with disabilities, the document highlights how terminology (in journalistic interviews or media reporting) that uses language such as ‘disabled people’ positions the disability as the defining feature of a person. Instead, language such as ‘people with disabilities’ or ‘people in a situation of disability’ would be more appropriate.

The document notably highlights how citizens living with disabilities do not want to be primarily perceived through that particular condition, let alone have it perceived as a deficiency. This also echoes the discussion earlier on of how in EPO’s research (in another country), a significant number of people living with disabilities were insistent that they want to be able to vote just like any other citizens rather than have specific and different processes intended as alternatives to such a possibility (for example by allowing some forms of remote voting instead of – rather than in addition to – an appropriate organisation of the polling

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<sup>86</sup> <https://www.interieur.gouv.fr/Archives/Archives-elections/Etre-candidat/Accessibilite-de-la-propagande-et-des-campagnes-electorales-le-FALC>

<sup>87</sup> Mémento pratique à l’usage des médias d’informations et de tous les citoyens concernés (2022). [https://www.handicap.gouv.fr/sites/handicap/files/2022-04/m%C3%A9mento%20m%C3%A9dia\\_0.pdf](https://www.handicap.gouv.fr/sites/handicap/files/2022-04/m%C3%A9mento%20m%C3%A9dia_0.pdf) Retrieved 15th January.

station experience which makes it fully usable to all. In turn, this echoes the perceived superiority of universal design over reasonable adaptation, and of inclusive electoral processes over mitigation.

### 6.1.1 Elections during Covid-19 in France

France had planned local and regional elections in 2020 and 2021. It held the first round of local elections on 15<sup>th</sup> March 2020, with a historic low voter turnout of 46%. The second round of local elections was postponed from 22<sup>nd</sup> March 2020 to 28<sup>th</sup> June 2020. Regional elections were planned for 20<sup>th</sup> and 27<sup>th</sup> of June 2021 (having been planned for March 2021 but postponed). Proxy voting was open to all voters and the number of proxy votes that a single citizen could cast was increased from one to two. No other alternative methods were available.

## 6.2 Citizens with disabilities in Italy

Currently, in Italy, citizens with disabilities can vote at polling stations. For mobile voting, voters who are unable to vote in person due to serious health issues are eligible<sup>88</sup>. As with other Member States, Italy's provision of accessible elections is directly linked to how disability is defined.

A 2016 country report on the rights of persons with disabilities highlighted that in Italy, "disability continues to be defined through a medial perspective, and the revised concept of disability, as proposed by the National Observatory on the Status of Persons with Disabilities, is not aligned to the Convention and lacks binding legislation at both national and regional levels"<sup>89</sup>. A 2022 study using European Social Survey data found that Italy has one of the largest disability gaps in Europe (23.17)<sup>90</sup>.

Despite this, Italy explicitly guarantees equal voting rights to all, including those without legal capacity<sup>91</sup>. There are clear rules to facilitate the right to vote, including the provision of assistance to visually and physically impaired citizens at polling stations. Since 2009<sup>92</sup>, the law also provides for the establishment of the practice of voting at home for all people who cannot be transported to the polling. Where polling stations are inaccessible, voters can use other polling stations in the constituency that offer accessibility provisions. Since 1991

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<sup>88</sup> <https://www.gazzettaufficiale.it/eli/id/2009/05/08/009G0054/sg>

<sup>89</sup> Committee on the Rights of Persons with Disabilities (2016), Concluding observations on the initial report of Italy, 6 October 2016, CRPD/C/ITA/CO/1, para. 5 <https://www.ohchr.org/en/documents/concluding-observations/crpdcitaco1-concluding-observations-initial-report-italy>

<sup>90</sup> Teglbjærg, J. H., Mamali, F. C., Chapman, M., & Dammeyer, J. (2022). The disability gap in voter turnout and its association to the accessibility of election information in EU countries. *Disability & Society*, 37(8), 1342-1361.

<sup>91</sup> Priestley, M., Stickings, M., Loja, E., Grammenos, S., Lawson, A., Waddington, L., & Fridriksdottir, B. (2016). The political participation of disabled people in Europe: Rights, accessibility and activism. *Electoral Studies*, 42, 1-9.

<sup>92</sup> Law 46 of 7 May 2009: Extension of the rights of voting at home to the voters unable to move independently from their home

<https://www.gazzettaufficiale.it/gunewsletter/dettaglio.jsp?service=1&datagu=2009-05-08&task=dettaglio&numgu=105&redaz=009G0054&tmstp=1242047818102>

municipalities are required to organise public transport services to make it easier for citizens with disabilities to reach polling stations.

Access to voting for people living in long-term institutions is regulated by specific laws, such as allowing polling stations to be set up in institutions as long as they have a minimum of 200 beds<sup>93</sup>.

Article 11 of Law 180 of 1978<sup>94</sup> removed restrictions on the voting rights of people in psychiatric institutions and those who have limited mental capacity. Persons with mental disability cannot be assisted in voting; they must exercise their right to vote without any assistance.

A case study in Italy<sup>95</sup> offers an illustration of how the implementation of CRPD can be inclusive and distribute power between authorities, professionals and citizens with disabilities. The project, titled ‘Enabling co-planning’ aimed to re-frame the relationship between professionals and citizens with disabilities from one of strategic partnership to one of dialogical partnership, shaped by the many voices that are impacted by, and engage with, the implementation of the CRPD. The study reviewed the involvement of professionals (social workers and social educators) of 34 municipalities in 4 regions and their work between 2011-2020. Based on interviews and feedback from professionals involved in the training programme, the authors of the paper come to the following conclusion:

*What would be needed is not a simple training course on a new methodology but a systematic process involving networks and communities: within the paradigm of the UN Convention, the objective of our work as professional operators is indeed no longer the evaluation, planning and structuring of interventions appropriate to a certain type of situation or diagnosis, but the creation and multiplication of exchanges in a negotiation network, which includes the material, emotional, symbolic, identity and cultural dimensions. (p.144)*

The authors explain that this approach enables us to transform the services provided from “places of care” to carriers of citizenship. As such, it highlights the role of professionals (as both networks of support and as informed and able to provide practical assistance) in overcoming both assistance and social barriers to electoral engagement.

### 6.2.1 Elections during Covid-19 in Italy

Regional and Local administrative elections and a referendum took place between Sunday 20<sup>th</sup> to Monday 21<sup>st</sup> September 2021<sup>96</sup>. Vulnerable voters were able to skip the lines at polling stations and those infected with Covid-19 and in isolation were able to vote from

<sup>93</sup> FRA (2014); Italy, Law 27 January 2006, No. 22.

<sup>94</sup> Law 180 of 3 May 1978: Voluntary and mandatory assessments and treatments [http://www.salute.gov.it/imgs/C\\_17\\_normativa\\_888\\_allegato.pdf](http://www.salute.gov.it/imgs/C_17_normativa_888_allegato.pdf)

<sup>95</sup> Curto, N., & Marchisio, C. M. (2021). Systemic actions for inclusive processes in the implementation of CRPD: involving social professionals as agents of change. Italian journal of special education for inclusion, 9(2), 139-145.

<sup>96</sup> <https://www.idea.int/news-media/multimedia-reports/global-overview-covid-19-impact-elections>



home as long as this had been requested within the deadline (5 days before the elections). The voter turnout for the regional elections was between 50 and 60 per cent and for the municipalities between 60 and 75 per cent.

## 7. Policy conclusions and best practices

In recent years, the importance of ensuring equal access to democracy to citizens with disabilities in order to make elections fairer and more inclusive has been increasingly recognised and addressed including in the framework of activities of Elections Management Bodies.

There is still progress to be made regarding Elections Management Bodies:

First, Election Management Bodies have often considered that two different options exist that would equally resolve the limitations to electoral access of citizens living with disabilities, namely “universal design” (designing electoral processes which are inherently inclusive and adapted to the needs of many citizens living with disabilities) and “reasonable accommodation” (accepting that traditional electoral processes may implicitly exclude a number of citizens living with disabilities, or at any rate limit their access, but work on mitigation measures ensuring that such limitations can be overcome). Arguably, for reasons of feasibility and perhaps cost, many countries have primarily focused on reasonable accommodation at polling stations or on providing suitable alternative arrangements. However, existing research such as that conducted by the Electoral Psychology Observatory shows that many citizens with disabilities resent being told that whilst – for example – polling stations are not sufficiently adapted to their needs, they can vote remotely instead. They explicitly tell us that it makes them feel like “second-class citizens” and that participation in elections and democracy is an absolutely essential part of them feeling integrated within society in ways that go well beyond democratic processes.

Second, Election Management Bodies seem to have often focused on visual disabilities, such as mobility, visual and auditive disabilities. By contrast, very little is made to sufficiently tackle the specific needs of citizens living with hidden disabilities. Yet, it is clear from existing research that hidden disabilities account for far greater proportions of the population than visible disabilities. Furthermore, research by the Electoral Psychology Observatory shows that in practice, hidden disabilities have a significantly higher impact on citizens’ electoral experience than visible disabilities. This is notably true of learning and cognitive disabilities, including the effect of conditions relating to the autism spectrum which may make polling station environment difficult to cope with for many citizens.

This difference between visible and invisible conditions becomes particularly important if we are to also take into account the issue of citizens affected by mental health issues. Indeed, even mild conditions of depression or anxiety may make citizens far less likely to participate in an election, thereby reinforcing their perception of feeling excluded or alienated from society and feeling marginalised. In countries where voting is compulsory, this could have the effect of exposing some citizens to legal sanctions because of the conditions affecting them.

Finally, we find that existing measures of how inclusive elections are (notably to those living with disabilities), can be crude and uncondusive to a true diagnosis of the extent of electoral exclusion, as well as to the understanding of which solutions can remedy it most effectively and most comprehensively. Whilst many alternative measures may exist, Bruter and Harrison propose a concept of the “Effective Access to the Vote” which brings together the

extent to which citizens may be excluded from democratic processes when it comes to any combination of electoral registration, *a priori* restrictions to participation in the election, and incidental or practical restrictions to participation in the election due to the ergonomics of its organisation.

As a corollary to this concept of Effective Access to the Vote, Bruter and Harrison suggest that electoral procedures aimed at limiting electoral exclusion should be subject to a “triple A” standard of “Access, Adaptability, and Accuracy”.

All in all, we therefore suggest that best practices should therefore prioritise solutions which, at the same time:

- ensure that citizens with disabilities have an electoral experience which should be as comparable as possible to that of any other citizens (as opposed to merely getting some access to electoral procedures);
- encompass the broadest possible types of conditions including visible as well as invisible disabilities, and mental health conditions;
- are accompanied by effective and transparent measures of inclusiveness (such as the measure of Effective Access to the Vote or any other) to both diagnose levels of exclusion and the effectiveness of proposed solutions;
- aim to achieve at the same time access, adaptability, and accuracy of electoral procedures.

With this in mind, we note the following specific recommendations based on existing best practices:

- In considering electoral organisation responses to disabilities, those should urgently be considered in the broadest possible sense. Currently, disabilities are predominantly defined (through examples of measures and practices) via physical barriers to voters who have ‘visible’ disabilities (mobile, visual, auditory) and then other disabilities (cognitive/ learning) are kind of tacked on to these in terms of measures also being useful for them, but they’re not considered as their own category. There are many good examples of current practices aimed at overcoming physical barriers to participation for citizens with disabilities, including how polling stations are designed (entry, access to booths) and assistive tools (magnifying glass, enlarged ballot papers, availability of additional/alternative lighting, Braille templates and sign-language translation services. Many of these however target citizens with visible disabilities (motor, audio-visual), and the alternatives in place are not necessarily designed with reasonable adjustment for disabilities (i.e., postal voting) or in ways that enable independence and secrecy of the vote (i.e., proxy or assisted voting). Where possible, reasonable adjustments that safeguard the independence and secrecy of voting should be favoured such as providing Braille templates that can be placed over the ballot paper to cast the vote, rather than enable a blind voter to be assisted by another person in casting their vote.
- EMBs should also take into account citizens living with mental health conditions which may affect their electoral experience, including widespread conditions such as depression and anxiety be they long-term or temporary conditions. A key step in the

right direction could be to extend flexible voting arrangements to citizens with mental health-related disabilities, as Ireland has done through its Electoral Reform Act (2022).

- A common standard of measures should be adopted which will be used to assess both the extent to which inequalities exist in citizens' access to the vote and the effectiveness of any solutions taken in order to reduce those inequalities. We think that the "Effective Access to the Vote" (Bruter & Harrison, 2019) is a useful concept here but any other comprehensive and standardised measure would be useful if preferred, similar to effective access to the voting index or any preferred equivalent. As discussed, this would mean any global index which systematically assesses what proportion of citizens who would be eligible to vote and willing to do so find themselves having been unable to participate in the election in practice due to limitations at any stage of the process (for instance registration including misregistration, impossibility or inability to go to an eligible polling station on the day during voting hours, and impossibility or inability to have made use of one of the remote voting solutions offered). It is important that whether the Effective Access to the Vote measure is used or any other, it systematically includes all of those possible limitations and focuses on citizens' own perception of the inability or impossibility to cast a vote when they wanted to as opposed to the theoretical possibility institutional organisers aimed to provide
- Whenever possible, measures should ensure that citizens living with disabilities have an electoral experience which is as comparable as possible to that of any other citizens as opposed to the lower threshold of simply allowing a form of access. Examples include having an automatic electoral register (such as in the Netherlands) so that 'opting in' for voting is not required; providing increased accessibility measures in polling stations rather than alternative forms of voting which do not, to the same extent, enable participation in public life (i.e., postal voting). This can also include re-creating a polling-station atmosphere within other settings, such as allowing citizens with disabilities who live in assisted care to vote on a particular day within their environment (i.e., 'closed polling stations' in Poland).
- Existing panel datasets (such as the European Social Survey) aim at understanding broader public attitudes but are not specifically concerned with the issues that might be facing citizens with disabilities. The questions asked, and the instruments used, are not tailored to understanding the population of interest. Therefore, drawing on the data from existing panel datasets might not allow us to fully capture the concerns of citizens with disabilities. Firstly, collecting statistical information about citizens with disabilities (as in Sweden) enables a better understanding of how electoral experiences might vary based on forms of disabilities and how we can use this information to co-design research projects that tailor data collection to them. Good examples include piloting new voting tools/technologies using citizens with different accessibility needs, to explore potential unintended consequences or needs not addressed; designing quantitative instruments which enable aggregation and analysis of findings on the basis of different types of disabilities, using qualitative research

findings with offer in-depth insights into the lived experience to understand better what kind of participation in public and political life citizens with disabilities might desire.

- Accessibility is not just about practical measures but about the social environment that electoral engagement takes place in – limited, if at all any, research on first-hand experiences of citizens with disabilities through research explicitly designed with these participants in mind, and further limited guidance through policy documents on how polling station staff can support citizens with disabilities (beyond assisting them when asked), and can create an inclusive environment for them. A good example is thinking about the language we use (as the French guidance for media highlights) when addressing citizens with disabilities as voters or candidates, the support we provide to enable a social environment that supports the political participation of citizens with disabilities, especially as political candidates (see Romanian proposal for legislative amendments to provide financial support), and creating networks, mentoring schemes and outlets that both inform citizens with disabilities of these opportunities but also scaffold their entrance into the political sphere as active members;
- Some awareness is present in official documents, as the French case study shows that the use of language and categories is considered, but confined to, the section on media (and engaging with political candidates with disabilities) but not explicitly in guidance for election organizers which would have been preferable. This would include information on what types of disabilities fall under the category ‘citizens with disabilities’ and developing this information in cooperation with disability organizations (i.e., Belgium, Finland and Latvia). Additionally, such training or information should include a self-assessment diagnostic or similar, to identify blind spots or lack of comprehension of information. A good example of this comes from Denmark, where a quiz is administered to (among others) election officials to check their knowledge of the information. While this might be perceived as an extrinsically motivating ‘tick-box’ exercise it can still, through the nature of being completed, aid in generating more informed electoral officials and polling station workers.
- Lastly, a key recommendation is to consider ways of co-creating or developing bottom-up approaches to research. A lot of research explores the more ‘visible’ barriers to participation including those subjectively identified by participants (accessibility of polling stations, information etc.) but the more invisible barriers of social norms, stigma and broader societal discourses on inclusion, on what counts as ‘normal’ and ‘normative’ and what this communicates to citizens with disabilities is not captured

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