



Australia Indonesia Partnership  
Kemitraan Australia Indonesia



## ELECTION ACCESS GUIDE BOOK

### ENSURING THE RIGHT TO POLITICAL PARTICIPATION FOR PERSONS WITH DISABILITIES

The Election Guide Book is intended to be used by Indonesia's electoral key stakeholders and advocates to draft an election law that ensures the right of persons with disabilities to access and participate in elections

**The Center of Citizens with Disabilities – Access for Election (PPUA PENCA)**

**Jakarta, March 2011**





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## A MESSAGE FROM PPUA PENCA

This Election Access Guidebook is a guidebook on implementation of enfranchisement for persons with disabilities funded by Internasional Foundation for Electoral System (IFES) dan AUSAID. This guidebook contains an evaluation on general election/local head election implementation and brief information concerning problems faced by persons with disabilities in using their political right in general election/local head election. A number of difficulties experienced by persons with disabilities, among others, are: inaccessible information or socialization for persons with hearing disability, uninformed assistive devices make them difficult for election officers and voters to use them, “pysically and mentally healthy” requirement for candidates to use their electoral right to be chosen in general election/local head election which impair persons with disabilities since disabilities are perceived as not physically and mentally healthy.

This guidebook also explains some brief information concerning regulation development in electoral area, especially in relation to a right for persons with disabilities in general election in Indonesia. This book discusses various regulation information related to a political right for persons with disabilities, among others: Universal Declaration of Human Rights, ratified International Convention on Civil and Political Rights, The Bill of Electoral Right of Citizen With Disabilities, Election Law and some implementing regulations of KPU, such as Decrees or Circulation Letters issued by General Election Commission (KPU) as an Election management body.

This guidebook is expected to be useful to assist persons with disabilities, KPU, BAWASLU, Legislative and Executive Bodies as well as other electoral stakeholders both in national and local level as concerted efforts to ensure full participation for persons with disabilities in an accesible and non-discriminated general election/local head election, so that the persons with disabilities are expected to use their political rights in a direct, general, free, secret, accesible, independent, honest and fair general election/local head election.

Finally, we thank to IFES and AUSAID which have funded the development and printing of this guide book. We hope that this guidebook will encourage concerns and commitments from all parties to follow up with next concrete actions for improvement and fullfilment of persons with disabilities’ rights.

Chairperson of The Center of Citizens with Disabilities – Access for Election  
*(Ketua Pusat Pemilu Akses Penyandang Cacat)/PPUA Penca*

**Dra. Ariani Soekanwo**

## A NOTE FROM IFES

The International Foundation for Electoral Systems (IFES) has been actively working towards the enfranchisement of persons with disabilities since 1997. In the past 14 years, IFES has designed and implemented election access programs in more than 30 countries. Despite comprising at least 10 percent of the world's population, persons with disabilities are often overlooked by those who design and implement government programs. To address this pressing issue, IFES is leading a series of efforts to promote the electoral and political rights of persons with disabilities. IFES is working in many countries to:

- (1) involve a cross-section of organizations of and for people with cognitive, developmental, and physical disabilities to foster partnerships among disability organizations, civil society and government;
- (2) remove barriers which prohibit the full participation of persons with disabilities as voters and candidates through the collaborative work of individuals, organizations and government;
- (3) ensure that voters with disabilities are afforded their full rights as citizens, including their rights to vote and to serve in public office; and
- (4) develop global indicators and standards for electoral and political access.

IFES notes the important role technology can play in making election processes accessible to persons with disabilities. However new election technology does not always yield accessibility gains, and the impact of new technology on these citizens' electoral rights warrants careful consideration when and where new technologies are being considered. In Indonesia IFES is working closely with disabled people's organizations to analyze the impact of new and proposed election technologies, sharing findings with election administrators, decision makers and other civil society advocates for accessible elections and human rights.

IFES is pleased to have contributed to the development of this guidebook and would like to thank PPUA Penca for their dedication in promoting the importance of assistive technology and improved access for future Indonesian elections. Finally, IFES would like to acknowledge support provided by the Australian Government, which made our research collaboration and the resulting guidebook possible.

# I. INTRODUCTION

Persons with disabilities have the same rights and opportunities to political participation as all other members of society. The right to political participation is a fundamental right in all democratic societies, and this guide reviews the current barriers persons with disabilities in Indonesia face in exercising their right and makes recommendations for removing those barriers to ensure election access for persons with disabilities. Indonesian citizens elect their representatives to sit in: the House of Representatives (DPR), the Provincial/District/Municipal Houses of Representatives (DPRDs), and in the House of Regional Representatives (DPD). Further, Indonesians select their leaders at the national level through the national election, and for the local level in regional elections. This guide reviews barriers that persons with disabilities have faced at all levels of elections and makes recommendations that are applicable to national or regional elections.

The election commission, *Komisi Pemilihan Umum (KPU)*, organizes and runs national and regional elections in Indonesia. KPU must ensure that every citizen can access and exercise their right to political participation at all stages of the electoral cycle. In order to promote this right, it is essential for elections to be held in facilities that are accessible to persons with disabilities. Further, the use of assistive technology in national/regional elections would make these elections more accessible to all voters, and in particular would remove some of the barriers persons with disabilities currently face in accessing elections.

At present, most of the assistive technology that has been used to promote accessible elections focuses on the election information and socialization phase of the electoral cycle. Disseminating election information and socialization materials through electronic media sources such as television or radio, as well as printed media has proven to be very successful reaching voters, and is particularly useful to reach voters in rural areas. Disseminating election information through electronic media will also be very helpful for voters with disabilities. The use of technology in other stages of the election cycle is still developing, but it is expected that various technologies will be used in the other stages of the election cycle in future general elections.

The future use of technology in elections is expected to be applied not only to disseminate election information but also to save time and money in organizing the election, to avoid potential fraud, and to make the actual voting process easier for all voters including persons with disabilities.

The next general election is expected to feature various innovative technologies such as vote-counting and electronic voting. The vote-counting technology will save time in counting the votes compared to the manual counting that thus far has been conducted during the conventional elections, while the electronic-voting (e-voting) is expected to be very helpful for voters with disabilities. Using e-voting, persons with disabilities, for example, do not have to use the ballot paper which is usually large in size and thus gives trouble to voters who have to unfold and refold the ballot paper. Using e-voting, it is expected that the current barriers faced by voters who are blind can be overcome by the use of assistive technology with a "speech" function that reads the information on the screen out for people who are blind to listen to the information and then make their selection independently.

Assistive technology offers a tremendous opportunity to ensure election access for persons with various types of disabilities. If not properly implemented, certain assistive technologies may create new barriers for persons with disabilities, such as persons who use wheelchairs, or persons who are deaf. It is important to ensure that new assistive technologies that are used in all stages of elections are accessible to persons with all types of disabilities. Therefore, electoral stakeholders are expected to involve organizations and persons with disabilities in formulating and designing technology that can be used during an election, in the hope that the technology used during the election is accessible to and benefits all voters.

The purpose of this guide is to provide information to election organizers both at the national and regional levels, election supervisors and all electoral stakeholders regarding various barriers faced by persons with disabilities and the feasibility of applying technology to minimize the ongoing problems during national/regional elections.

## **II. OBJECTIVES AND TARGETS OF MAKING A GUIDEBOOK**

- To increase the Election Stakeholders' understanding and awareness of election access for persons with disabilities to ensure that future national/regional elections are more accessible.
- To promote electoral laws and policies that advance the right to political participation for persons with disabilities.
- To increase awareness among persons with disabilities to better advocate for their right to political participation.

# III. LEGAL BASIS FOR POLITICAL RIGHTS OF PERSONS WITH DISABILITIES

## 1. INTERNATIONAL LEGAL FRAMEWORK

This section provides an overview of the international legal framework that protects and promotes the rights of persons with disabilities to full access and participation in political processes. The international obligation to election access was first established in the Universal Declaration of Human Rights in 1948 and has been further developed over the years and is now most clearly stated for persons with disabilities by the recently enacted Convention on the Rights of Persons with Disabilities.

### 1. Universal Declaration of Human Rights (1948)

#### Article 21

- (1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
- (2) Everyone has the right of equal access to public service in his country.
- (3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

### 2. International Covenant on Civil and Political Rights (ICCPR)

#### Article 25

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

- (a) To take part in the conduct of public affairs, directly or through freely chosen representatives;
- (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;
- (c) To have access, on general terms of equality, to public service in his country.

The Office of the High Commissioner for Human Rights General Comment No. 25: The right to participate in public affairs, voting rights and the right of equal access to public service, provides guidance as to application of Article 25 to the political rights of persons with disabilities:

20. An independent electoral authority should be established to supervise the electoral process and to ensure that it is conducted fairly, impartially and in accordance with established laws which are compatible with the Covenant. States should take measures to guarantee the requirement of the secrecy of the vote during elections (...) Assistance provided to the disabled, blind or illiterate should be independent. Electors should be fully informed of these guarantees.

### 3. UN Convention on The Rights of Persons with Disabilities

The recently adopted Convention on the Rights of Persons with Disabilities (CRPD) codifies existing international law regarding the rights to participate in political and public life and applies those rights to the situation of persons with disabilities to political participation. It provides States with specific guidance as to their obligation to introduce positive measures to ensure that persons with disabilities do indeed have effective access to political processes.

#### Article 29: Participation in Political and Public Life

States Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others, and undertake to:

- (a) Ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected, inter alia, by:
  - (i) Ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use;
  - (ii) Protecting the right of persons with disabilities to vote by secret ballot in elections and public referendums, without intimidation, and to stand for elections, to effectively hold office and perform all public functions at all levels of government, facilitating the use of assistive and new technologies where appropriate;
  - (iii) Guaranteeing the free expression of the will of persons with disabilities as electors and to this end, where necessary, at their request, allowing assistance in voting by a person of their own choice;
- (b) Promote actively an environment in which persons with disabilities can effectively and fully participate in the conduct of public affairs, without discrimination and on an equal basis with others, and encourage their participation in public affairs, including:
  - (i) Participation in non-governmental organizations and associations concerned with the public and political life of the country, and in the activities and administration of political parties;
  - (ii) Forming and joining organizations of persons with disabilities to represent persons with disabilities at international, national, regional and local levels.

Accordingly, States are under an obligation to ensure the right to participate in political processes, including voting, and to provide, **by means of positive State action**, that citizens with disabilities actually have the opportunity to exercise their political rights. Indonesia signed the CRPD in 2007 and is moving towards ratification in the near future. It is important for disability advocates and key electoral stakeholders to advocate for an incorporate the obligations articulated in the CRPD to ensure persons with disabilities have full access to their right to political participation.

In addition to Article 29, Article 9 of the CRPD is an essential article for advancing election access for persons with disabilities. Article 9 provides concrete guidance for ensuring accessibility and notably calls for trainings of key stakeholders on accessibility issues for persons with disabilities. This guidebook illustrates the importance of training key stakeholders in the election realm so that future

elections throughout Indonesia are accessible to persons with disabilities. Further, Article 9 encourages the use of assistive technology to increase accessibility and provides an important tool to advance the use of assistive technology for persons with disabilities in Indonesian elections.

#### Article 9-Accessibility

2. To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, inter alia:
  - a. Buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces;
  - b. Information, communications and other services, including electronic services and emergency services.
2. States Parties shall also take appropriate measures to:
  - a. Develop, promulgate and monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open or provided to the public;
  - b. Ensure that private entities that offer facilities and services which are open or provided to the public take into account all aspects of accessibility for persons with disabilities;
  - c. Provide training for stakeholders on accessibility issues facing persons with disabilities;
  - d. Provide in buildings and other facilities open to the public signage in Braille and in easy to read and understand forms;
  - e. Provide forms of live assistance and intermediaries, including guides, readers and professional sign language interpreters, to facilitate accessibility to buildings and other facilities open to the public;
  - f. Promote other appropriate forms of assistance and support to persons with disabilities to ensure their access to information;
  - g. Promote access for persons with disabilities to new information and communications technologies and systems, including the Internet;
  - h. Promote the design, development, production and distribution of accessible information and communications technologies and systems at an early stage, so that these technologies and systems become accessible at minimum cost.

## 2. NATIONAL LEGAL FRAMEWORK

The subsections that follow illustrate the development of the legal framework that is applicable to persons with disabilities in the context of elections. The Indonesia Constitution, as amended in 1945, establishes, in general, equality of opportunity for all. Through more contemporary legislation, Indonesian legislators have specifically addressed the equality of access for persons with disabilities in the context of elections.

**i. Amendment to Constitution 1945**

- Article 28H (2): Every person is entitled to special treatment and facilities to obtain equal opportunities and benefits in order to achieve equality and justice.
- Article 28I (2): Every person is entitled to be free from discrimination of any reason and entitled to protection from discriminatory treatment.

**ii. Indonesian Law No. 4/1997 on Disabled People**

- Article 1 (4): Accessibility is the facility provided for the disabled to reach equal opportunity in all aspects of life and livelihood.
- Article 5: Each disabled person has equal rights and opportunities in all aspects of life and livelihood.

**iii. Indonesian Law No. 22/2007 on Election Administration Body**

- Article 11: The requirements to become candidates for member of KPU, Provincial KPUs, or Regency/Municipal KPUs are
  - (h) Physically and mentally healthy based on the result of a thorough medical check-up from the hospitalThe elucidation section for this paragraph states that physical disability is not considered as a health problem.
- Article 86: The requirements to become candidates for members of the Elections Supervisory Board (BAWASLU), Provincial Elections Supervisory Committees (Panwaslu), District/Municipal Panwaslu, and Sub-district Panwaslu, as well as Election Field Supervisors are as follows:
  - (h) Physically and mentally healthy based on the result of complete medical check-up from the hospitalThe elucidation section for this paragraph states that physical disability is not considered as “physically and mentally unhealthy.”

**iv. Indonesian Law No. 10/2008 on Election of DPR, DPD, And DPRD Members**

- Article 50:
  - (1) A candidate for members of the DPR, DPD, Provincial DPR and Regency/Municipal DPR shall meet the following requirements:
    - (d) able to talk, read, and write in Bahasa IndonesiaThe elucidation section for this paragraph states that the requirements as stated in this provision are not intended to restrict the political right of citizens with disabilities that are capable to fulfill their job duties as a member of DPR, Provincial DPR, and Regency/Municipal DPR.
  - (e) at least graduated from senior high school (SMA), religious high school (Madrasah Aliyah/MA), vocational high school (SMK), religious vocational high school (Madrasah Aliyah Kejuruan/MAK), or other schools of the same level

The elucidation section for this paragraph states that “what is referred to by “other schools of the same level” includes high school for deficiency people, Islamic traditional high school, Christian theological high school and seminary high school.”

(h) Physically and mentally healthy

The elucidation section for this paragraph states that “what is referred to by physically and mentally healthy is healthy as proven by a certificate of health from public hospitals including Public Health Center.”

- (2) Fulfillment of administrative requirements to become candidates for members of DPR, Provincial DPR and Regency/Municipality DPR as referred to in paragraph (1) shall be proven by:

(d) Health certificate of being physically and mentally healthy

The elucidation section for this paragraph clarifies that the requirements as stated in this provision are not intended to restrict the political rights of citizen with disabilities who are capable of fulfilling their job duties as a member of DPR, Provincial DPR, and Regency/Municipal DPR.

- Article 67 (2): Fulfillment of administrative requirements to become a candidate for DPD member as referred to in paragraph (1) shall be proven by

(d) health certificate of being physically and mentally healthy

*The elucidation section for paragraph 67 (2): the requirements as stated in this provision do not mean to restrict the political right of citizen with disability that are capable in conducting their duties as a member of DPR, Provincial DPRD, Regency/Municipal DPR.*

- Article 142: Besides the voting equipment as referred to in paragraph (1), in order to keep the security, confidentiality and the smoothness in the implementation of voting and vote counting, it is required the support of other equipment. In elucidation of Article 105 paragraph 2: What is referred to by “the support of other voting equipment” includes assistive equipment for voters who are blind.

- Article 156:

(1)The Voters who are blind and have other physically disability may be assisted by other persons upon their request when voting in polling station

(2)The persons who assist voters in casting their votes as referred to in paragraph (1) shall keep the votes confidential.

(3)Further provision on giving assistance to voters shall be stipulated by KPU regulations.

- Article 164:

(1)Voters who are blind and have other physically disability may be assisted by other person upon their request when voting in foreign polling station.

(2) The persons who assist voters in casting their votes as referred to in paragraph (1) shall keep the votes confidential.

(3) Further provisions on giving assistance to voters shall be stipulated by KPU regulations.

▪ Article 295:

Anybody who has the duty to assist voters who later intentionally inform the vote to other people as referred to in Article 156 paragraph 2 shall be subject to an imprisonment for a minimum of 3 (three) months and a maximum of 12 (twelve) months and a fine of a minimum of Rp 3,000,000 (three million rupiahs) and a maximum of Rp 12,000,000 (twelve million rupiahs).

**V. Law No. 42 Year 2008 on General Election for President and Vice President**

- Article 105 (2): Besides the voting equipment as referred to in paragraph (1), in order to keep the security, confidentiality and the smoothness in the implementation of voting and vote counting, it is required the support of other equipment.

In the elucidation section for Article 105 paragraph 2: What is referred to by “the support of other voting equipment” includes assistive equipment for voters who are blind.

▪ Article 119:

(1) Voters who are blind and/or have other physical disability may be assisted by other persons upon their request when voting in polling station.

(2) The persons who assist voters in casting their votes as referred to in paragraph (1) shall keep the votes confidential.

(3) Further provision on giving assistance to voters shall be stipulated by KPU regulation.

- Article 241: Anybody who has the duty to assist voters who later intentionally inform the vote to other people as referred to in Article 119 paragraph 2 shall be subject to an imprisonment for a minimum of 3 (three) months and a maximum of 12 months and a fine of minimum of Rp 3,000,000 (three million rupiahs) and a maximum of Rp 12.000.000 (twelve million rupiahs).

### 3. IMPLEMENTING REGULATIONS

The laws as mentioned above are provided by the House (DPR-RI) and only stipulate wide-ranging issues. In order to ensure that the laws are properly implemented, KPU, as the election administrator, has issued specific regulations that provide guidance for implementing the national elections laws.

The following KPU regulations are directly relevant to promoting and protecting the right to political participation for persons with disabilities.

**i. KPU's Regulation No. 35/2008 on Technical Guidelines For Voting And Vote-Counting At Voting Stations During The 2008 Election Of House Of Representatives, House Of Regional Representatives, Provincial And District/Municipal House Of Representatives Members:**

- Article 8 (3): Besides voting and vote-counting equipment at TPS as stipulated by paragraph (2), District/Municipal KPUs also provide the KPPS through PPKs/PPSs with other voting equipment support, namely, envelopes, KPPS and witness IDs, rubber bands to hold ballot papers together, glue/adhesive, plastic bags, padlocks, markers, forms for the minutes and certificates, ballot box number stickers, strings to tie the vote markers, and aids for voter who are blinds.
- Article 15 (1): The notification letter to give votes at the TPSs as specified under subparagraph (1), should mention that facilities shall be provided for people with disabilities when giving their votes at the TPSs.
- Article 19:
  - (1) A table of 35 cm high on which the ballot box is put shall be placed near the TPS exit, approximately 3 (three) meters from where the KPPS Chief sits in front of voters' seats;
  - (2) A voting booth shall be placed in front of the KPPS Chief and witnesses' seats, with the distance between the voting booth and the TPS edges is set to be at least 1 (one) meter;
  - (3) A table/board shall be put in each voting booth, on which voters mark their votes on the ballot paper, and a table with a hole (an empty space underneath) shall be put specially for people with disabilities on a wheelchair;
- Article 21 (1): The TPS entry and exit as specified under subparagraph (1) are of at least 90 cm wide to ensure mobility access of people with disabilities on a wheelchair.
- Article 22:
  - (1) The TPS location should be accessible, on a flat surface with no rocks, no hills, no thick grass, no gutters and no steps.
  - (2) The TPS location as specified under subparagraph (1) should not be set at worship places, even at the yards.
  - (3) The TPS location as specified under subparagraph (1) of paragraph 21 which is set at school buildings, community centers, other educational establishments, government and non-government buildings/offices including the yards should receive permission first from the caretakers of the school

buildings or other educational establishments, the government and non-government buildings/offices.

- Article 28 (5): The KPPS Chief may invite voters with disabilities, pregnant or elderly voters to be the first to give their votes with the approval of the voters concerned.
- Article 30 (1): The voting specified under paragraph 29 applies for voters who are blinds, persons with disabilities who use wheelchairs or other mobility assistance.
- Article 31:
  - (1) At the request of voters who are blind, voters with disabilities who use wheelchairs or other mobility assistance as specified under paragraph 30, the KPPS chief shall assign the fifth and sixth members of the KPPS or someone appointed by the voter concerned to providing help in the following ways:
    - for voters who cannot walk, the fifth and sixth members of the KPPS shall help the voters to the voting booth and the voters shall mark the ballot paper themselves;
    - for voters who have lost both their hands and are blind, the fifth member of the KPPS shall help them mark the ballot paper according to the voters' choice witnessed by the sixth member of the KPPS.
  - (2) KPPS members and other people who help voter who are blinds, persons who use wheelchairs or other mobility assistance as stipulated in paragraphs (1) and (2), shall be obliged to keep the choices of the voters concerned confidential, and shall be obliged to sign a statement letter using Form C5.

**ii. KPU's Regulation No. 3/2009 On Technical Guidelines for Voting and Vote-Counting at Voting Stations During the 2009 Election of House of Representatives, House of Regional Representatives, and Provincial/District/Municipal House of Representatives Members:**

- Article 8 (3): In addition to the voting and vote-counting equipment at TPSs as specified under subparagraph (2), District/Municipal KPUs also provide the KPPS through PPKs, PPSs with other voting equipment supports, namely: envelopes, KPPS and witness IDs, rubber bands, ballot papers, glue or adhesive, plastic bags, padlocks and keys, a box to store keys, markers, forms for the minutes and certificates, ballot box number stickers, strings to tie the vote markers and aids for voter who are blinds.
- Article 9 (5): In addition to the envelopes specified under sub paragraphs (2) and (3) other equipment is also needed, which includes IDs, security officer IDs, witness IDs, rubber bands to hold ballot papers together, glue/adhesive,

plastic bags, ballpoints, padlocks and keys, a box to store keys, markers, forms for the minutes and certificates, ballot box number stickers, strings to tie the vote markers, and a blank paper to test the ballpoints and aids for voter who are blinds for the election of DPD members.

- Article 19 *subparagraph 1* (dictum m): A table/board shall be put in each voting booth, on which voters mark their votes on the ballot paper, and a table with a hole (an empty space underneath) shall be put specially for people with disabilities on a wheelchair.
- Article 21(2): the TPS entry and exit as specified under subparagraph (1) should be able to ensure mobility access of people with disabilities on a wheelchair.
  
- Article 30:
  - (1) The voting as specified under paragraph 29 applies to voters who are blinds, persons with disabilities who use wheelchairs or other mobility assistance.
  - (2) During voting in the election of DPR/Provincial DPRD/District and Municipal DPRD members, voters who are blinds, persons with disabilities who use wheelchairs or other mobility assistance if necessary, can be assisted by a KPPS officer or another person at the request of the voters concerned.
  - (3) During voting in the election of DPD members, the voters who are blinds as specified under subparagraph (2) may use aids provided for voter who are blinds.
  
- Article 31:
  - (1) At the request of a voter who are blind, voters with disabilities who use wheelchairs or other mobility assistance as specified under paragraph 30, the KPPS chief shall assign the fifth and sixth KPPS members or someone appointed by the voter concerned to providing help, in the following ways:
    - For voters who cannot walk, the fifth and the sixth KPPS members shall help the voters to the voting booth and the voters shall mark the ballot paper themselves.
    - For voters who have lost both of their hands and are blind, the fifth KPPS member shall help marking the ballot paper according to the voters' choices witnessed by the sixth KPPS member.
  - (2) Assistance from other people at the request of a voter who are blind, voters with disabilities who use wheelchairs or other mobility assistance or a voter with other physical disabilities as specified under article 30, the voter shall mark the ballot paper themselves.
  - (3) KPPS members and other people helping a voter who are blind, voters with disabilities who use wheelchairs or other mobility assistance as specified under subparagraphs (1) and (2) shall be obliged to keep the confidentiality of the voter's choice, and sign a statement letter using Form C.5.

**iii. KPU's Regulation No. 29/2009 on Guidelines for Voting and Vote Counting Implementation on Presidential and Vice Presidential Election:**

- Article 4 (3): Location of polling station as referred to in paragraph (1) shall be accessible by including people with disability and ensuring every voter could cast their vote directly, freely and confidentially.
- Article 6 (3): Members of KPPS as referred to in paragraph (2) shall meet the following requirements:
  - Certified physically and mentally healthy. Physical disability are not considered as physically and mentally unhealthy
- Article 9 (2): Besides voting and vote counting equipment in polling stations as referred to in paragraph (1), Regency/Municipal KPU also submit other voting equipment to KPPS through PPK/PPS i.e. ....
  - Assistive equipment for voter who is blind
- Article 22 (2): Entrance and exit door of the polling station as referred to in paragraph (1) must ensure mobility access for persons who use wheelchair.
- Article 29 (2): Chairman of KPPS may allow voters with disability, pregnant woman, and senior citizen voter to cast their vote first with the approval of voter who gets their attendance number before the voters.
- Article 31:
  - (1) In term of casting vote as referred to in article 30 is also effective to voters who are blind, physical disable or have other physical barriers.
  - (2) Voters who are blind, physical disable or have other physical barriers may be assisted by KPPS officer or other persons upon their request when voting in polling station for Presidential and Vice Presidential election by filling out form C.5 PPWP.
  - (3) Voters who are blind as referred to in paragraph 2 may use assistive equipment when voting in polling station for Presidential and Vice Presidential election.
- Article 32:
  - (1) Based on request of voters who are blind, physical disable or have other physical barriers as referred to in article 31, chairman of KPPS assigns the fifth and sixth member of KPPS or other persons who are appointed by the voters to assist with the following steps:
    - for voters who cannot walk, the fifth and sixth members of the KPPS shall help the voters to the voting booth and the voters shall mark the ballot paper themselves;
    - for voters who have lost both their hands and are blind, the fifth member of the KPPS shall help them mark the ballot paper according to the voters' choice witnessed by the sixth member of the KPPS.

- (2) Assistance from other people at the request of a voter who are blind, voters with disabilities who use wheelchairs or other mobility assistance or a voter with other physical disabilities as specified under article 31, the voter shall mark the ballot paper themselves.
- (3) KPPS members and other people helping a voter who are blind, voters with disabilities who use wheelchairs or other mobility assistance as specified under subparagraphs (1) and (2) shall be obliged to keep the confidentiality of the voter's choice, and sign a statement letter using Form C.5. PPWP

**iv. KPU's Regulation No. 23/2008 on Guidelines for Distribution and Dissemination of Information about the Election of DPR, DPD and DPRD Members**

The regulation also includes the importance of conducting public information and delivery of information to groups of voters with special needs, including persons with disabilities.

## IV. BARRIERS FACED BY PERSONS WITH DISABILITIES IN NATIONAL/REGIONAL ELECTIONS

### 1. BARRIERS FACED BY PERSONS WITH DISABILITIES IN NATIONAL/REGIONAL ELECTION PHASES

No.	Election Phase	Barriers faced by persons with disabilities in the election phase	Supports required by persons with disabilities during the election phases	Responsible Institution/ Organization
1	Updating Data of Voters and Making the List of Voters	<p>Voters who are deaf are not registered properly; and they do not receive the same treatment as other voters.</p> <p>During voter registration efforts, there are households that fail to reveal that they have family members with disabilities in the house, and thus those family members with disabilities are not registered to vote. According to PPUA's focus group discussions, this is particularly true for families of persons with certain intellectual disabilities.</p> <p>Many persons classified as having "medium" or "severe" intellectual disabilities are not registered.</p> <p>No public service announcement to illustrate data collection of voters with disabilities.</p>	<p>There needs to be more awareness raising efforts on the importance of ensuring all citizens can access their right to vote and in particular the right of persons with disabilities to vote. These efforts must take place as the national level to encourage a change in attitude and hopefully this will ensure that families are assisting their family members with disabilities in the voter registration process. Support from the family is an important step in fulfilling the rights of all persons with disabilities to vote.</p>	<p>Statistics-Indonesia Central Bureau, National/Regional KPUs. Ministry of Home Affairs.</p>
2	Registration of election contestants	<p><b>Socialization/Announcement Making</b></p> <p>To announce the registration of election contestants the election organizers made a written announcement/information at the KPU office and in print and electronic media (e.g. newspapers and television), but <b>the election organizers failed to provide accessible information for persons who are deaf or blind.</b></p>	<p><b>For persons who are deaf:</b> a sign language interpreter on the lower left or right corner of the TV screen or subtitles.</p> <p><b>For persons who are blind:</b></p> <ul style="list-style-type: none"> <li>▪ Making information/announcement available in Braille.</li> <li>▪ Information on radio provided in alternate format for persons who are deaf. One solution is making this information via text message.</li> <li>▪ Information on websites equipped with screen-reading technology for persons who are blind.</li> </ul>	<p>National/regional KPUs, Ministry of Communication and Information Technology, Ministry of Home Affairs, managements of the electronic media.</p>

No.	Election Phase	Barriers faced by persons with disabilities in the election phase	Supports required by persons with disabilities during the election phases	Responsible Institution/ Organization
3	Validation of election contestants	<p><b>Socialization/Announcement</b> The election result validation phase</p> <p>It was made in the printed and electronic media such as on TV and Radio <b>but it failed to take into account the challenges deaf and blind audiences had.</b></p>	<p><b>For persons who are deaf:</b> a sign-language interpreter on the lower left or right corner of the TV screen and/or subtitles.</p> <p><b>For persons who are blind:</b></p> <ul style="list-style-type: none"> <li>▪ Making announcement/information available in Braille.</li> <li>▪ Information on radio provided in alternate format for persons who are deaf. One solution is making this information via text message.</li> <li>▪ Information on websites equipped with screen-reading technology for persons who are blind.</li> </ul>	National/regional KPUs, Ministry of Communication and Information Technology, Ministry of Home Affairs, managements of the electronic media.
4	Validation of the number of seats and the constituencies.	<p><b>Socialization/Announcement</b> The Election Result Validation Phase</p> <p>It was made in the printed and electronic media such as on TV and Radio <b>but it was not accessible to persons who are deaf or blind.</b></p>	<p><b>For persons who are deaf:</b> a sign-language interpreter on the lower left or right corner of the TV screen or subtitles.</p> <p><b>For persons who are blind:</b></p> <ul style="list-style-type: none"> <li>▪ Making announcement/information available in Braille.</li> <li>▪ Information on radio provided in alternate format for persons who are deaf. One solution is making this information via text message.</li> <li>▪ Information on websites equipped with screen-reading technology for persons who are blind.</li> </ul>	National/regional KPUs, Ministry of Communication and Information Technology, Ministry of Home Affairs, managements of the electronic media.
5	Candidacy of DPR, DPD, Provincial DPRD, and DPRD members	<p><b>Socialization/Announcement</b> Candidacy of DPR, DPD, Provincial DPRD, and DPRD Members.</p> <p>It was made in the printed and electronic media such as on TV and Radio <b>but it was not accessible to persons who are deaf or blind.</b></p> <p>Candidates who are deaf could not access the information of election contestant validation phase when it was aired on the radio and TV like the PSA about</p>	<p><b>For persons who are deaf:</b> a sign-language interpreter on the lower right or left corner of the TV screen or subtitles.</p> <p><b>For persons who are blind:</b></p> <ul style="list-style-type: none"> <li>▪ Making announcement/media information in Braille.</li> <li>▪ Information on radio provided in alternate format for persons who are deaf. One solution is</li> </ul>	Ministry of Communication and Information Technology, Ministry of Home Affairs, managements of the electronic media.

No.	Election Phase	Barriers faced by persons with disabilities in the election phase	Supports required by persons with disabilities during the election phases	Responsible Institution/ Organization
		<p>elections.</p> <p>Candidates who are blind could not access the information made in the form of printed papers such as newspapers, leaflets, posters.</p>	<p>making this information via text message.</p> <ul style="list-style-type: none"> <li>▪ Information on websites equipped with screen-reading technology for persons who are blind.</li> </ul>	
6	Campaign Period	<p><b>Socialization/Announcement</b> Campaign Period. Election contestants' campaign topics were communicated through the printed media and the electronic media like TV and radio, but it was not accessible to persons who are deaf or blind.</p>	<p><b>For persons who are deaf:</b> a sign-language interpreter on the lower right or left corner of the TV screen or subtitles.</p> <p><b>For persons who are blind:</b></p> <ul style="list-style-type: none"> <li>▪ Making announcement/media information in Braille.</li> <li>▪ Information on radio provided in alternate format for persons who are deaf. One solution is making this information via text message.</li> <li>▪ Information on websites equipped with screen-reading technology for persons who are blind.</li> </ul>	National/regional KPUs, Ministry of Communication and Information Technology, Ministry of Home Affairs, managements of the electronic media.
7.	Recess Period	<p><b>Socialization/Announcement</b> Cooling Period.</p> <p>Electoral advertisements were made to socialize the public of information about election administration whether it was about the time, the processes that would be gone through, the contestants' names, etc.</p> <p>It was made in the printed and electronic media, such as on TV and radio, <b>but it was not accessible to persons who are deaf or blind.</b></p>	<p><b>For persons who are deaf:</b> a sign-language interpreter on the lower right or left corner of the TV screen or subtitles.</p> <p><b>For persons who are blind:</b></p> <ul style="list-style-type: none"> <li>▪ Making announcement/media information in Braille.</li> <li>▪ Information on radio provided in alternate format for persons who are deaf. One solution is making this information via text message.</li> <li>▪ Information on websites equipped with screen-reading technology for persons who are blind.</li> </ul>	National/regional KPUs, Ministry of Communication and Information Technology, Ministry of Home Affairs, managements of the electronic media.
8	Voting and Vote-Counting	<p>Many people with "medium" and "severe" intellectual disabilities did not vote.</p> <p>Some polling stations were not accessible to voters who use wheelchairs. In such situation, an officer went to those voters</p>	<p><b>Access to the TPS location for voters who use wheelchairs:</b> In selecting TPS locations, it is recommended that on locations where there are no steps, no thick grass and no gutter separating</p>	National/regional KPUs, Ministry of Communication and Information Technology, Ministry of Home Affairs, managements of the

No.	Election Phase	Barriers faced by persons with disabilities in the election phase	Supports required by persons with disabilities during the election phases	Responsible Institution/ Organization
		<p>for the voting phase.</p> <p>When voters who are deaf were called by their names to give their vote in the voting booth they could not hear it. Consequently, they missed their turn to vote because they were considered absent.</p> <p>The inconsistent voting method (giving a checkmark/perforation method) in the 2009 election.</p>	<p>the TPS from the way to get to the TPS (on a flat surface) are selected.</p> <p><b>Tactile Ballot for voters who are blind:</b></p> <ul style="list-style-type: none"> <li>▪ A tactile ballot should be provided for voters who are blind to make it easier for them to exercise their rights to vote during voting inside the voting booth.</li> <li>▪ KPPS officers who are trained on election access and know how to provide accessible for voters with various disabilities.</li> <li>▪ Punching system is the most appropriate method of voting for voters who are blind; it can be done by all strata of the society.</li> </ul>	<p>electronic media.</p>

**2. LEGAL BARRIERS FACED BY PERSONS WITH DISABILITIES IN NATIONAL/REGIONAL ELECTIONS**

No.	Legal Barriers in Elections (Issues outside the election phases)	Supports Needed for the Technical Implementation	Recommendations	Responsible Institution/ Organization
1	Under Paragraph 50 of Electoral Law No. 10/2008 the requirements for candidate members of DPD/ Provincial and District/Municipal DPRD include the physically-and-mentally-healthy requirement which is misleading and has an adverse effect on people with disabilities.	The phrase 'physically and mentally healthy' needs to be adjusted to the health definition given under Paragraph I of Section I General Definition, Health Law No. 36/2009: Health is a healthy condition, physically, mentally, spiritually and socially which enables everyone to have a productive social and economic life.	The health requirement refers to Law No. 38/2009 on Health.	Commission II of the DPR, KPU
2	Election access violations for persons with disabilities have not received attention	A monitoring agency should be available to deal with issues (violations) of access to elections.	Establish an agency to monitor access to elections and address violations.	

No.	Legal Barriers in Elections (Issues outside the election phases)	Supports Needed for the Technical Implementation	Recommendations	Responsible Institution/ Organization
	from the election organizer.			
3	No provision specifically addressing access to elections for persons with disabilities in the electoral law.	Special provision about access to elections in the electoral law.	Consult disabled peoples' organization for inputs during the electoral law amendment deliberation. The amended law should include an access provision for persons with disabilities that makes it clear that persons with disabilities have the legal right to fully participate in all electoral stages.	Commission II of the DPR, KPU
4	BAWASLU as the agency that controls election administration does not have information about the election access violations that persons with disabilities experience.		PPUA PENCA (An organization that monitors access to elections) should give recommendations related to access to elections for persons with disabilities through several activities such as providing trainings to Bawaslu or work with BAWASLU in some capacity.	
5	Violations of access to elections for persons with disabilities do not receive serious attention from BAWASLU.	A party/individual who can help settle the violations of access to elections for persons with disabilities in BAWASLU	To have persons with disabilities apply for BAWASLU membership.	

**3. PROVISIONS IN NATIONAL/REGIONAL ELECTIONS LAW RESTRICTING THE POLITICAL RIGHTS OF PERSONS WITH DISABILITIES**

No.	Provisions in national/regional elections restricting the political rights of persons with disabilities	Requirements needed to remove the restriction imposed on the political rights of people with disabilities	Recommendations	Responsible Institution/Organization
1.	No nondiscrimination principle outlined in electoral law	<p>Add paragraphs about Legalizing the Civil Right Covenant into the 1945 Constitution and into Law No. 12/2005.</p> <p>Add nondiscrimination principle into the preamble of the amendment to Electoral Law No. 10/2008.</p>	<p>Under the point “the 1945 Constitution” of “in view of”, the preamble of the amendment to Law No. 10/2008, add subparagraph (2) of paragraph 28 h and subparagraph (2) of paragraph 28 l, and add also “Law No. 12/2005 on Legalization of the International Covenant on the Civil Rights of the Disabled” under the section “in view of”.</p>	<b>Commission II of the DPR</b>
2.	The phrase “physically and mentally healthy” in the requirements is a wrong phrase that does not refer to Law No. 36/2008 on Health.	<p>Uphold the non-discriminative principle for the rights to vote and to be elected.</p> <p>Promote the social model of disability and change the false perception that “disabled” is the same as unhealthy, incapable, and not productive.</p>	<p>Develop the perception that persons with disabilities are equal members of society that have the same rights and freedoms as all other citizens</p>	

## ANNEX 1

# THE IMPLEMENTATION OF ASSISTIVE TECHNOLOGY TO ENSURE ELECTION ACCESS FOR PERSONS WITH DISABILITIES

Electoral Management Bodies (EMBs) throughout the world use various forms of technology with the purpose of improving electoral processes. The technology used in elections ranges from basic devices such as ball point pens, manual typewriters, electronic calculators, and radios, to newer more sophisticated technologies such as computers, optical scanners, digital mapping, electronic voting machines, and the Internet. Technology is used in all stages of elections and if properly implemented serves as an important election access tool for persons with disabilities.

As Indonesia continues to implement technology into all stages of the electoral process, it is important for key stakeholders to ensure that new election technologies do not create new barriers for persons with disabilities. For example, many countries now use electronic voting machines (EVMs) that are not accessible to persons with certain disabilities. It is important for Indonesian officials to ensure that all new technologies used in elections, such as EVMs, are accessible to persons with disabilities.

The following section reviews the various forms of assistive technology that are being used throughout the world to promote election access for persons with disabilities. This is intended to provide salient examples for disability rights advocates and election stakeholders in Indonesia of the types of assistive technology that can be used to ensure election access for persons with disabilities.

### COMMON FORMS OF ASSISTIVE TECHNOLOGY:

- Remote electronic voting
- Braille enabled electronic voting machines
- Radio advertisements
- Public broadcast television
- Tactile voting devices
- Voter information on websites that are accessible to screen reading technology
- Voter registration materials on the internet
- Telephone voting
- Mobile phone voting
- Voter information provided by TTY
- Plain language materials provided on voter information websites
- Audio ballots

### COUNTRY PROFILES

The following examples from various countries provide some of the most innovative forms of assistive technology currently being used to promote election access for persons with

disabilities. These examples range from very basic technology solutions that are easy to implement to more expensive forms of assistive technology that can greatly benefit persons with disabilities. The various examples aim to showcase unique ways to use technology to advance election access for persons with disabilities and to provide disability advocates and election stakeholders in Indonesia a solid starting point for further discussions about what is feasible in future Indonesian elections. It should be noted that the following list features one or two examples of these technologies and many of these technologies are used in other countries as well.

## **AUSTRALIA**

- Accessible voting via telephone:  
The Electoral and Referendum Bill 2010 includes provisions to allow persons who are blind or low vision to vote by telephone from more than 130 sites across Australia. The voting option will be available for those voters at the next federal election.
- The Australian Electoral Commission (AEC) will distribute general voting information in audio cassette, Braille, or large-print format, to over 26,000 voters.
- The AEC uses the National Relay Service (NRS) so that persons who are deaf or hard of hearing can contact the AEC by telephone. Usually the caller types on a device called a tele-type (TTY) or telephone typewriter voice-activated software and a relay officer at the NRS call centre reads their words out to the AEC staff member. The relay officer then types the response back to the caller. The relay officer acts as a bridge between the caller and the AEC.

Accessible electronic voting machines (EVM) were trialed in Australia's 2007 Federal Elections. EVMs allow persons who are blind or low vision to cast their vote in secret. The following bullet points provide a synopsis of the trial:

- EVMs were trialed at 29 of 150 electoral divisions.
- 850 ballots were submitted electronically using EVMs.
- EVMs offer an electronic, fully independent ballot for persons who are blind, low vision, or have print disabilities.
- EVMs were only used by persons who are blind, low vision, or have print disabilities. They were not available to other voters.
- 97% of users reported being satisfied with their experience
- More than half of users required some assistance utilizing EVMs as they were not familiar with the technology
- Only 4 respondents reported privacy issues while casting their vote
- The cost per EVM vote was very high: \$2,600

## **UNITED STATES**

- Ballot marking devices assist voters who have difficulty reading or marking a ballot to vote privately and independently. The ballot marking device is intended to assist persons with disabilities and the elderly.
- The ballot marking device has a touch screen with a zoom feature to enlarge the ballot print and a contrast feature to make the ballot easier to read for some voters.
- Audio ballots allow persons with disabilities to use headphones to listen to candidate information and provide for various means of marking selections, such as a Braille keyboard for persons who are blind.

**INDIA**

- The majority of India's EVMs are not accessible to persons who are blind, but in recent elections some polling stations had Braille enabled electronic voting machines and the number of these machines is expected to increase in future elections.

**CANADA**

- The definition of "interpreter" in the Canada Elections Act includes interpreters for persons with disabilities
- Election officers are trained on accessibility issues and technology that promotes election access for persons with disabilities.
- Public education and information programs have been implemented to ensure persons with disabilities know about available assistive technology that may help them access elections.
- Voter Information and registration materials are available in alternative formats, such as large print, Braille, audio-cassette and diskette.
- Information and special ballot registration forms available on the Internet.
- A toll-free election information inquiry line for persons with disabilities.
- Open- and closed-captioned voter information on public broadcast television.

**IRELAND**

- The use of photographs and party emblems on ballot papers and the display of a large print copy of the ballot paper in polling stations to assist persons who are low vision or persons with reading disabilities.

**UNITED KINGDOM**

- The Electoral Commission's website contains informational leaflets which can be downloaded in large print, various language formats and as audio files. The leaflets include:
  - (1) an easy-guide to voting - aimed mainly at first-time voters
  - (2) information about how to register to vote
  - (3) information about voting by postal ballot
- All polling stations must provide a tactile voting device and at least one large print display version of the ballot paper. This makes it possible for persons who are blind or low vision to vote in secret without assistance.
- The Disability Rights Commission (DRC) website contains several useful informational pamphlets for persons with learning disabilities to review prior to going to polling stations. The pamphlets use plain language and images to explain the election procedures in an easy to understand manner.

**KOSOVO**

- Tactile ballot guide
- Voter education Braille booklets
- Voter education audio cassettes

**TAJKISTAN**

- Plans to introduce an electronic voting system in its 2015 parliamentary elections.
- The technology will permit voting via telephones, private computer networks, and the internet, making it more accessible for persons with disabilities and others to cast their ballots
- Disabled peoples' organizations are working to ensure that this new technology is all designed and implemented in a way that is accessible to persons with disabilities and does not create any new barriers to election access.

## ANNEX 2

# POSSIBLE ACCOMMODATIONS ON ELECTION DAY

Elections officials should be trained on the following easy to implement accommodations that will enhance accessibility for persons with disabilities at polling stations. Potential accommodations inside the voting area on Election Day that elections officials should consider:

- (5) Providing adequate lighting in the voting area and voting booth
- (6) Placing voting booths near light sources (such as windows or light fixtures)
- (7) Adding additional temporary lighting where necessary
- (8) Providing magnifying devices at polling stations
- (9) Providing large grip pens at polling stations
- (10) Providing voting instructions or sample ballots in large print or other alternate formats
- (11) Providing adequate verbal instructions for voters who are blind or low vision to know where to go and what to do. Any information or materials that are provided in written format at polling stations should be read out loud by elections officials to persons who are blind or low vision.
- (12) Providing both verbal and visual cues when calling out the next person in line. Persons who are deaf have reported they are often marked as “absent” when their name is called out loud and there is no alternate way for them to access that information. This is problematic as they are skipped over and never have the opportunity to vote.
- (13) Providing adequate written instructions as to how to proceed in the voting booth for persons who are deaf or hard of hearing
- (14) Providing chairs for voters waiting their turn to vote who cannot stand for long periods of time

Please note that this list is intended to illustrate some of the accommodations that elections officials should be trained on, but the list is by no means exhaustive of all the accommodations that should be included in “election day” trainings.