Building up a constructive relationship between law and the social sciences to investigate the "CRPD-in-action": experiences from a descriptive study of disabled people's right to vote

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Abstract

Voting rights of persons with disabilities must be ensured by States Parties to the Convention on the Rights of Persons with Disabilities (CRPD). The CRPD sets out legal obligations of States Parties to ensure de jure and de facto realisation of the right to vote by persons with disabilities. How can a disability researcher analyse compliance by States Parties with the CRPD? The present article argues that for achieving a fully developed disability legal scholarship, legal studies about the implementation of the CRPD need to combine the perspectives of jurisprudence and social sciences. Based on the author's experience in carrying out the ongoing study "Voting Matters", this article examines an innovative theoretical and methodological framework to understand how the CRPD is implemented through law and policy, and "in practice". This means to investigate the "CRPD-in-action". It concludes that this is a challenging task that can be accomplished through an evidence-based approach and a mixed-research design.

Key words

Voting; disability; disability legal scholarship; social science and disability; New Legal Realism

Resumen

El derecho al voto de las personas con discapacidad debe ser garantizado por los Estados Parte de la Convención sobre los Derechos de las Personas con Discapacidad (CDPD). La Convención establece obligaciones de los Estados para asegurar el ejercicio del derecho al voto *de jure* y *de facto* por parte de las personas con discapacidad. ¿Cómo puede analizarse la implementación de la Convención? Este artículo propone que, para alcanzar un análisis legal robusto sobre la implementación de la CDPD, estudios legales en este campo deben incorporar el derecho y las ciencias sociales. Con base en su experiencia como investigadora del estudio en curso "Votar es importante", la autora presenta un novedoso marco conceptual y metodológico para analizar cómo la Convención se implementa a través de la ley y las políticas nacionales, y "en la práctica", es decir para investigar la "CDPD-en-acción". Este artículo concluye que esta es una tarea compleja que puede adelantarse a través de estudios basados en la evidencia y métodos combinados de investigación.

Palabras clave

Votar; discapacidad; estudios legales sobre discapacidad; ciencias sociales y discapacidad; Nuevo Realismo Legal

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1. Introduction

Voting has been characterised as "the right of rights" (Benhabib 2004), and is considered by the Human Rights Council as the most important political right to which persons with disabilities are entitled (UN General Assembly 2011). As an integral component of citizenship, or as the "ultimate act of citizenship" (Schriner and Ochs 2000), the right to vote is central to social inclusion and serves as a means to seek equality. In the context of disability, participation in political life can serve to create visibility for the issues that concern persons with disabilities, not only during electoral processes but also in society in general, in terms of individual and group behaviour, social organisation, and processes of social change (Grobelaar Du Plessis and Njau 2018). Moreover, voting is acknowledged as one of the most important political rights to which historically excluded or marginalized groups, such as persons with disabilities, are entitled to on an equal basis with others (Fiala-Butora *et al.* 2014).

Disability scholars have extensively explored the right to vote within the domain of "citizenship" of persons with disabilities (Meekosha and Dowse 1997, Morris 2005, and Lister 2007). Active citizenship of persons with disabilities and their right to vote are related to each other and they are both fundamental to the functioning of democratic States (Guzmán and Caballero 2021). Disability scholars have analysed at least three dimensions of (active) citizenship of persons with disabilities: a sense of security by making effective use of social rights; autonomy to define one's needs; and achieving influence through participation in political and public life (Morris 2005, Hvinden 2017). These dimensions have as a common element the recognition of the "agency" of persons with disabilities (Guzmán and Caballero 2021). As explained in more detail below, Anthony Giddens's concept of "agency", which is adopted in this article, refers not to the intentions people have to act, but to their capacity to do those things in the first place (Giddens 1989).

Following Giddens's concept of "agency", in the ongoing study Voting Matters: An Analysis of the Use of Electoral-Assistive Devices through the Lens of the UN Convention on the Rights of Persons with Disabilities (hereinafter: "Voting Matters"), the right to vote is outlined as an act of citizenship. Such an act is grounded in the "agency" of voters with disabilities, meaning in their inherent capability to make and express an informed political choice. Briefly, the study "Voting Matters" is being carried out by the author of this article, who is a member of the Disability Advocacy Research in Europe (DARE) Project. It focuses on the *de facto* realisation of the right to vote by persons with disabilities, or the "opportunity" to enjoy this right on an equal basis with others, as endorsed in Article 29(a) of the UN Convention on the Rights of Persons with Disabilities (UN General Assembly 2006). Article 29(a) CRPD provides as follows:

> Article 29(a)
>
> States Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others, and shall undertake:
>
> To 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:

> Ensuring that voting procedures, facilities and materials are appropriate, accessible, and easy to understand and use;
>
> 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;
>
> 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; (…). (UN General Assembly 2006)

In the context of Article 29(a) CRPD above, the study "Voting Matters" argues that making electoral-assistive devices, such as easy-to-read voter education guides, tactile ballot guides, magnifying glasses, and electronic voting machines using screen enlargement applications, available for use by persons with disabilities is an important positive measure for abolishing discrimination and the multiple barriers that persons with disabilities face when attempting to vote in elections.

The results of the study "Voting Matters" are primarily focused on two European jurisdictions: England and Spain (at the national level). The study has four main aims: 1) it explores existing and emerging electoral-assistive devices, both within and outside Europe, as examples of devices that States Parties to the CRPD can make available for use by persons with disabilities at the local level; 2) it identifies and analyses States' legal obligations concerning the provision of electoral-assistive devices resulting from international human rights law, and primarily Article 29(a) CRPD, which serves as the legal basis to analyse States Parties' compliance with the CRPD; 3) it analyses compliance of England and Spain with international legal obligations, and primarily Article 29(a) CRPD, through an analysis of legal and policy instruments to ensure the access of voters with disabilities to electoral-assistive devices; and 4) it explores experiences of voters with disabilities and election officials from England and Spain in using electoral-assistive devices to ascertain how national legal and policy instruments are implemented in practice, and what measures concerning accessibility of voting materials are recommended to enhance persons with disabilities' participation in elections.

The study "Voting Matters" contributes thus to exploring not only the CRPD implementation into national law and policy but also the social context within which the CRPD operates. In other words, to investigate the "CRPD-in-action". To that end, the study "Voting Matters" constructs its theoretical position by identifying a distinctively realist view of international law, and law in general, as an exercise in reason-giving that has an inherent dynamism. This concept of law takes New Legal Realist scholarship as its primary inspiration and combines it with insights originating from Anthony Giddens's structuration theory in order to propose an operational research framework. The present article examines this theoretical and methodological framework. The underlying purpose of this article is to call for collaborative action among legal and social scientific disability rights defenders by considering adopting novel theories and epistemologies to mix normative legal analysis with consideration of broader and holistic perspectives on disability and human rights.

This article is divided into four sections. Following this introduction, section 2 starts the substantive discussion about the theoretical framework of the study "Voting Matters".

Section 2 presents the "realist concept of law" that guides the study and the New Legal Realist scholarship, which is at the core of the conceptual guidelines adopted in the study. Moreover, Section 2 describes specific insights from Anthony Giddens's structuration theory that were used by the researcher as analytical concepts. This theoretical framework guided the selection of concrete research methods applied by the researcher to collect and analyse relevant research material. These research methods are explained in Section 3 of this article. Section 3 specifically addresses three research methods: scoping literature review, legal analysis, and semi-structured interviews. Lastly, Section 4 includes some concluding remarks.

2. How to build a theoretical framework in studies on the implementation of the CRPD?

2.1. A dynamic conception of the CRPD (law)

Realists have criticized the doctrinal understanding of the law. According to Dagan and Kreitner (2018), law in the doctrinal understanding is a comprehensive and rigorously structured science that does not need to resort to any social goals or methods because it is strictly independent. Nevertheless, Realists assert that doctrine is radically indeterminate (Ehrlich 1917), therefore, to equate law with doctrine might result in inaccuracies (Yablon 1985, Horwitz 1992, and Carrington 1995).

According to Dagan and Kreitner (2018), the indeterminacy of doctrinal legal materials requires taking law as a going set of institutions dealing with tensions between multiple factors, such as power and reason, science and craft, and tradition and progress. This is the "realist view of law". As such, law is not only conceived as the doctrinal formulations contained in doctrinal materials, nor is it only about interest or power politics. Law is seen as an exercise in reason-giving and that has inherent dynamism. This dynamic conception of law emerges from seeing the law as the product of society that is in a permanently evolving process with changes in society (Mertz 2016).

The study "Voting Matters" adopts this "realist view of law", which refers to law, and particularly the CRPD, as a social process in "holistic' terms". A "holistic" concept of the CRPD includes its legal particularities as the set of legally binding rules applicable to States Parties and substantive rights of persons of disabilities, as well as information about the social context and factual environment in which the CRPD provisions operate. It is precisely under this "holistic" approach to law that it is possible to understand how legal actors use new social developments as triggers for ongoing improvement of the law (Dagan and Kreitner 2018). In fact, the CRPD is a "paradigm shift" that confirms how law is a social process embedded in the social sciences and humanities. The Convention set a "paradigm shift" for disability by moving towards inclusion of rights holders, using a social model framework and a human-rights disability approach that understands disability as a human rights issue (Quinn and Degener 2002, Kayess and French 2008). Such a change in the international legal understanding of disability is possible because (international) law is created and used instrumentally by social actors. The wide set of social actors involved in accomplishing a "paradigm shift" for disability included people with disabilities and their representative organisations, as well as legal and social disability scholars.

The role played by the CRPD in society confirms that the practical reasoning is central to international law. It also demonstrates that there is a social context in which law operates. Accordingly, for achieving a fully developed disability legal scholarship, legal studies about the implementation of the CRPD need to combine the perspectives of jurisprudence and social sciences (Huneeus 2015). It is necessary to understand that implementation of the CRPD is susceptible to multiple "social practices" and that more effective recommendations derived from research in that regard are reachable through empirical observation of reality. This means that the task in legal studies about the implementation of the CRPD should be to combine doctrinal analyses with insights derived from social sciences to answer the problem of getting a "realistic" sense of how the CRPD is applied in a reality that is also dynamic.

In light of the above, the study "Voting Matters" follows a "realist concept of law" that favours interdisciplinary and empirical research in legal reviews. Such a concept of law inspires the theoretical approach of the study: New Legal Realism, as explained below.

2.2. A "new realist" sensibility to advance a constructive relationship between law and the social sciences

New Legal Realism (NLR) is a school of thought with increasing acceptance as a relevant theoretical strand to advance a constructive relationship between law and the social sciences (Garth and Mertz 2016). It is a specific legal epistemology to understand how law obtains meaning, is practised, and changes over time (Shaffer 2015). Elizabeth Mertz asserts: "New Legal Realist work offers the possibility of an integrative effort that reaches not only across disciplines but across people and legal systems" (Mertz 2016, p. 22). As legal scholarship, NLR understands that doctrine and legal processes play a role to elucidate legal outcomes (Augsberg 2015). Thus, NLR is law-centred. Additionally, NLR recognises that the impact of law depends on different factors, such as "practices" of social actors and multiple issues affecting how law works out once it reaches the lives of people (Mertz 2016). This means that NLR scholars take doctrine seriously and move from law in books to investigate "law-in-action" ("the CRPD-in-action"). In the study "Voting Matters", the whole point when using an NLR approach is to recognise that at the point of delivery, the CRPD has an impact even one that was not intended in the first place by the drafters of the Convention.

Adopting an NLR approach in legal reviews on the implementation of the CRPD might yield useful results since there is not enough empirical research to adequately assess the impact of the CRPD. Such an approach helps to add insights to legal studies about the implementation of the CRPD "in practice" from both empirical research and social science theory without losing the track set by legal theory. Furthermore, as explained by Lo Giacco (2019), from a legal realist perspective, the study of international law and of its content cannot be separated from the analysis of relevant practices. She asserts:

> Even if one were to conceive of international law as a set of legally binding rules and principles, the crux would still rest with understanding how those rules and principles are interpreted as a matter of process. (Lo Giacco 2019, p. 37)

Therefore, the crucial aspect to research in the study "Voting Matters" is whether CRPD implementation depends on human "practices" (actions), beyond (but also including) compliance through law and policy. The concept of "practices" adopted here is from

social practice theorists, and particularly Anthony Giddens as discussed in detail below (Giddens 1984).

Considering the ideas described above, the following central research questions have been formulated in the study "Voting Matters":

Under international law, what legal obligations do States Parties have to make electoral-assistive devices available for use by persons with disabilities? How do practices within electoral systems in England and Spain support or constrain the use of electoral-assistive devices?

These overarching questions encompass the following sub-questions:

a) What are the available and emerging electoral-assistive devices that can be used to assist persons with disabilities to vote secretly and independently?
b) What is the legal duty of States Parties under the CRPD and other relevant international human rights instruments regarding the provision of electoral-assistive devices to be used by persons with disabilities?
c) To what extend do England and Spain comply with the international obligations set out in the CRPD to ensure access to electoral-assistive devices by persons with disabilities?
d) What are the experiences of voters with disabilities and other key stakeholders from England and Spain in using electoral-assistive devices?
e) To what extent do those experiences influence the decision to vote by persons with disabilities?

In addressing the above questions, the researcher explores the implementation of Article 29(a) and related CRPD provisions in England and Spain with a "new realist sensibility" because one of her study's motives is the question of how to fortify and improve the implementation of Article 29(a) CRPD provisions on the right to vote of persons with disabilities. To that end, it is important to identify and analyse different "social practices" taking place within national electoral systems in England and Spain that support or constrain the use of electoral-assistive devices by voters with disabilities. The motive to adopt an NLR approach in this study is thus to provide relevant actors in England and Spain with a clear understanding of legal, social and, perhaps, cultural issues that prevent rendering the voting process accessible for voters with disabilities. Notably, the study "Voting Matters" has a deep commitment to constructive legal action, meaning it uses the law (the CRPD) to improve the condition of persons with disabilities, as a means of pragmatic problem-solving.

In summary, in the study "Voting Matters" the focus on "practices" hints at the theoretical approach embraced throughout the work: an NLR approach combined with insights originating from Giddens's structuration theory. Based on this theoretical approach, firstly, the researcher identifies legal obligations resulting from international law, mainly CRPD, and how these legal instruments influence relevant national law and policy concerning the provision of electoral-assistive devices to persons with disabilities. Secondly, it explores how CRPD provisions on the right to vote and relevant domestic legislation and policy actually work; how voters with disabilities who are "receiving" the CRPD and national legislation and policy experience them on the ground. In the

following section, the specific concepts of Giddens's structuration theory used by the researcher as categories of analysis are outlined.

2.2.1. Social practices affect the implementation of the CRPD

Giddens's theory of structuration is the outcome of his critique of sociological theory. Giddens offers an alternative that aims to solve the classic divide of structures and agency in sociological theory where there are two groups: one group of theories that views society from the perspective of system, structure, or production of relations and advocates that society or social structures determine the actions of the individual (Giddens 1984). For this group of theorists, an individual or actor is merely a "recipient" controlled by the social structure. These theorists, as structuralists, support the pre-eminence of structure. They share the "objectivist view", and their main argument is that social structures subordinate the activities of the actor. Some representatives of structuralists are Émile Durkheim (1952) and Karl Marx and Frederick Engels (1848).

Conversely, the second group of theories includes micro-theories, and their emphasis is on the individual, the actor or agent. Theorists from this second group argue that actors and their actions form society and that there are no structures or systems that are independent of the actors. Theorists from this group are proponents of agency theory (or "the subjective view"). They consider that individuals possess the ability to exercise their own free will and make their own choices, namely that social structures are products of individual action. As an example, from this group of theories, social phenomenology by Alfred Schutz (1962) is concerned with how people use ordinary, everyday interactions to produce a feeling of reality and intersubjectivity.

Facing the two groups of theories above, Giddens questions the polarised nature of the "structure-agency" debate. He highlights the synthesis of "structure-agency" influencing human behaviour and questions to what degree can individuals create their own lives and frames for their lives, and to what degree are individuals already constrained by society and its structures when they are born (Giddens 1984). Looking for answers to these questions, Giddens proposes that just as an individual's autonomy is influenced by structure, structures are maintained and adapted through the exercise of agency. The interface at which an actor meets a structure is termed "structuration".

In Giddens´s words, "structuration" means "the structuring of social relations across time and space, in virtue of the duality of structure" (Giddens 1984, p. 376). According to Giddens, it is because of this "duality of structure" that "social practices" have both a structural and an agency component (Giddens 1979, 1984). In all systems, such as national electoral systems, the structural environment not only constrains individual behaviour (e.g., legal rules that restrict the right of people deprived of legal capacity to vote or lack of suitable national legislation to provide accessibility), but also makes it possible. It also enables action by providing common frames of meaning (e.g., legal reforms to ensure equal recognition before the law and adoption of national accessibility standards including domestic electoral law providing for the mandatory application of these standards and for sanctions for non-compliance).

In summary, Giddens's theory of structuration introduces "social practices" as mediators between actors and structures, namely that agent, action, and structure are connected. The structuration theory, as constituting a "world-view" and being a general

theory of the social sciences, is selected in the study "Voting Matters" for two main reasons: firstly, it develops a concept of "practices". Second, structuration theory focuses the analysis of "practices" on the actor (agency)-structure relationship. The key concepts of agency and structures are used in the study "Voting Matters" as fundamental conceptual guides in understanding the experiences of election officials and voters with disabilities when using electoral-assistive devices. These concepts of structuration theory are further explained below.

2.2.2. Social practices have both a structural and an agency component

Giddens's structuration theory focuses the analysis of "practices" on the actor-structure relationship. It is this dualism (the duality of structure) that provides a logic for building the theory of structuration as stated above (Giddens 1979, 1984). Firstly, "practices" commonly refer to everyday actions and the way these are typically and habitually performed in a society or system, such as in an electoral system (Reckwitz 2002). A central argument in structuration theory is that society consists of "social practices". According to Giddens,

> the basic domain of study of the social sciences, according to the theory of structuration, is neither the experience of the individual actor, nor the existence of any form of societal totality, but social practices ordered across space and time. (Giddens 1984, p. 2)

Moreover, Giddens defines "social practice" with the concept of agent, explained in detail later. It is the agent or actor who is knowledgeable about most of their actions.

Furthermore, the notion of "practices" is one crucial linkage from an NLR approach to that of Giddens because, from a legal realist perspective, legally binding rules and principles from international law find meaning through the "practices" of the law-applying agents, such as election officials, including poll workers. Moreover, NLR understands that the study of international law cannot be separated from the analysis of relevant "practices" (Shaffer 2015). This implies that from a NLR perspective, the meaning of international law is found when actors apply it because, through that application, their interpretation of its meaning become apparent.

Secondly, agency, as Giddens calls it, is human action (Giddens 1989). Some clarification is warranted here for the use of the term agency. Giddens's notion of agency is not synonymous with free will. Rather, he recognises that actions are always already socially, culturally, and linguistically constrained. Thus, agency is emergent in sociocultural "practices", and it does not refer to the intentions actors have in doing things but to their capability of doing those things in the first place (Ahearn 2000). As proposed by Giddens, agency is critical to both the reproduction and the transformation of society, and its two main components are reflexivity and knowledgeability.

To understand "reflexivity", it must be noted that Giddens proposes that the discursive reflexivity in an action gives actors the opportunity to change their patterns of action (Giddens 1984). Actors have a "reflexive monitoring", which is the agent's ability to monitor their actions and those actions' settings and contexts to change their actions (Giddens 1979, 1984). Owing to the fact that each agent has the ability to reflect on their own behaviour and everyone else's behaviour, actors make practical and normative judgements among alternative possible trajectories of action, in response to the emerging demands, dilemmas, and ambiguities of presently evolved situations (Emirbayer and

Mische 1998). Voters with disabilities, for example, who have not voted in previous elections might decide whether to vote or not in new elections depending on new accessible conditions of materials to vote, for example.

Moreover, an actor's ability to engage in actions is due to what Giddens calls the "knowledgeability" of the actor; this refers to what agents know about what they do, and why they do it. Knowledgeability is the "tacit and discursively available knowledge" that actors have (or believe) about the circumstances of their action and draw upon in action, namely actors' awareness of their own behaviour (Giddens 1984, 1987). Three major factors determine actors' knowledgeability: their socio-political characteristics, economic conditions, and cultural background (Ferdoush 2018). The combination of these factors determines, for example, how persons with disabilities, based on their social and cultural backgrounds or familial traditions, perceive the act of voting differently, namely an actor's knowledgeability might determine their "practices" within electoral systems. Furthermore, the notion of knowledgeability yields useful results to understand "practices" of multiple actors involved in elections, such as the ways poll workers intervene when persons with disability cast their ballots. In particular, knowledgeability allows to interpret the ways in which a poll worker may jeopardise the secrecy and autonomy of the voting act by framing the person with a disability as "in need of assistance" or "incapable" of casting a ballot correctly.

In summary, agency, as an analytical concept, yields useful results to the study "Voting Matters" that understands voters with disabilities as actors, meaning as agents with the capability of doing things in the first place, such as voting. In that study, persons with disabilities are not seen as "passive citizens" on the basis of an alleged lack of capacity. Noteworthy, by perpetuating a paternalistic power dynamic, the notion of "passive citizen" is embedded in the structures and social systems that still formally or informally prohibit/limit persons with disabilities from participating in political and public life (Goodley 1997, 2010, Meekosha and Shuttleworth 2009, Goodley *et al.* 2019). Therefore, following the recognition of persons with disabilities as agents with power to intervene, to influence, and to make political choices, the study "Voting Matters" uses the notion of actors or agents informed by structuration theory.

Thirdly, at the heart of structuration theory is the idea that social structures are both constituted by human agency and, at the same time, the very medium of this constitution (it is a dialectical interplay) (Giddens 1976, 1984). Giddens explains that structures (including traditions, institutions, moral codes, meanings attached to legal norms) are generally quite stable in social systems, but can be changed, especially through the unintended consequences of action (as a result of an agent's reflexive monitoring), when people start to ignore them, change them, or reproduce them differently. As such, structures, in Giddens's theory, are not an external frame, they exist only "virtually" and in actors' memory, which they use when they act (Giddens 2003). By this, Giddens means that structures are a process; they do not exist at any point in time and space. The "virtual" quality makes structures emerge in an actor's memory, uncovered only when actors reflect discursively on a previous action, which is a key element to operationalising empirical research through methods that solicit narrative accounts by actors.

Lastly, an important additional operational guide in structuration theory is that agency gets related to the structural properties through Giddens's recasting of elements of structure into what he terms "rules" and "resources" (Giddens 1979, 1984). Rules refer to generalisable procedures and methodologies that actors possess in their "stocks of knowledge" (Ferdoush 2018). Rules are guidelines, whether "official" or learned through socialisation and experience, that guide people's actions. In sum, rules are each actor's understanding of how things should work (e.g., why should persons with disabilities use accessible voting materials?). Noteworthy, in an electoral system, actors form an understanding of the right to vote of persons with disabilities and disability itself. Thus, based on the notion of rules, it is possible to understand that multiple actors can have very different understandings of, for example, why accessible voting environments are necessary to rendering the task of casting ballots accessible for voters with disabilities, and what should happen to achieve that goal.

Additionally, in relation to the second constitutive element of structures, resources, Giddens frames them as a means to achieve actions (Giddens 1984). Resources shift from time to time, depending on an actor's placement inside of the social structure, and are of two kinds: (i) authoritative ones, which refer to status or command over other persons, represented in the capacity to persuade, expert knowledge, social relations or friendships with influential actors, for instance; and (ii) allocative resources, which refer to economic resources, goods, and other material phenomena. The researcher of the study "Voting Matters" argues that voting technological solutions, including electoral-assistive devices are allocative resources to help persons with disabilities vote (where appropriate). This idea is developed further below.

2.2.3. If voting technological solutions are part of actors' structures, disabled voters can draw on them to act (vote)

Electoral-assistive devices and new voting technological solutions are allocative resources. These devices are part of what can be labelled as "technology structures" (Orlikowski 2000, Walsham 2002). These structures are not external or independent of human agency per se but exist in the form of a set of rules of behaviour and the ability to deploy resources that emerge from people's interactions with the technology at hand or "technologies-in-practice" (Walsham 2002). When available throughout the electoral process, electoral-assistive devices are drawn on by persons with disabilities to perform different electoral-related activities, including voter registration and education, making an informed political choice, voting, making a voting-related complain, and updating voter registration (where necessary). In other words, voters with disabilities can use available voting technological aids to provide meaning to their right to participate in political life, to exercise power and to legitimise actions, and are, consequently, deeply involved in the duality of structure.

According to Giddens, the set of rules and resources actors draw on to act are not deterministic, but are applied reflexively by knowledgeable actors. As a result, rules and resources are changeable, recreated, and recombined, which makes them "transformational" (Ogden and Rose 2005, Day Ashley 2010). However, in social systems there are differential distributions of knowledge and resources, since actors are positioned within a web of social structures, but they are not necessarily positioned in equal ways. Consequently, some individuals have greater access to resources than

others. For example, in some countries, persons with disabilities have access to electronic voting machines with assistive technology integrated. This may be not the case for other voters depending on multiple factors, such as their physical location and national electoral legislation.

Furthermore, based on their positioning, individuals draw from different structures or from the same structures in different ways when participating in elections. In drawing on these structures to produce/reproduce meaningful and satisfying routines, individuals deal with a set of facilitators and constraints (Giddens 1987). The fact that determines whether a structure is drawn on as an enablement or a constraint depends on the positioning of actors and their access to an array of facilitators/enablers. Briefly, facilitators are factors that encourage or enhance participation of actors, such as legal rules addressing the right of persons with disabilities to use accessible voting materials and policy measures to make available electoral-assistive devices on election day (Ogden and Rose 2005). Moreover, in the context of disability, at a macro level, facilitators might be associated with progressive electoral legal systems and inclusive voting procedures. Facilitators are also found at a micro level, for instance, supportive parents or certain facilities in communities, such as accessible schools used as polling stations on election day. Other facilitators on the personal level, might include individual adaptation or training, for example, voter education initiatives centred on persons with disabilities organised by local organisations (Berger 2008).

The study "Voting Matters" acknowledges that electoral systems might enable or constrain the actions of persons with disabilities when providing them with electoral-assistive devices (as resources to act). By using the structuration theory, the study also seeks to understand how interactions between voters with disabilities and electoral-assistive devices evolve, what the implications of these interactions are, and how it is possible to try to deal with their intended and unintended consequences. Such a theoretical approach is predicated, first, on the idea that to comply with legal obligations under Article 29(a) CRPD, relevant actors, such as poll workers, must understand what the obligations mean and require. Determining these meanings and requirements necessitates interpretation of rules and norms establishing the legal obligations (structures). Second, electoral legal systems operate with institutions, social actors, and structures that perform actions ("social practices") that affect the delivery of the law (Article 29(a) CRPD). Following this conceptual framework, it is possible to address the reciprocal interaction between actors and structures shaping "practices" and to explain the "law-in-action", namely, how Article 29(a) CRPD is implemented, and how voters with disabilities experience it.

Lastly, for present purposes, it is important to note that structuration theory allows the researcher to understand that in an electoral system, actors' practices are based on their positions to understand the structural factors of that system. Multiple "practices" take place because several actors intervene, such as government officials, poll workers, and voters, among others (OSCE's Office for Democratic Institutions and Human Rights [ODIHR] 2017, International Foundation for Electoral Systems [IFES] 2018, and European Union Agency for Fundamental Rights [FRA] 2019). These actors are reflexive and knowledgeable and have specific rules and resources (structural factors) to draw on when acting. Moreover, actors draw on interconnected structures to perform their

actions. For example, election officials require public funds (budget) and policy guidelines from the State to organise accessible elections. Also, poll workers require training by national electoral authorities on the rights and accessibility needs of voters with disabilities and persons with disabilities require voter education initiatives centred on their needs and expectations. The relationship between these actors' "practices" and their institutionalisation might create new supportive voting structures for persons with disabilities. Thus, it is possible to affirm that Giddens's structuration theory is helpful to operationalise the empirical and evidence-based dimension of the study "Voting Matters" owing to the theory's emphasis on the binary character of "practices". Clearly, some form of interaction between a set of legally binding rules under Article 29(a) CRPD regarding the provision of electoral-assistive devices to persons with disabilities, and relevant actors with a capacity to act accordingly and structural factors from electoral systems takes place.

Hinging on the theoretical approach described above, the following section explains how the researcher has methodologically articulated the study "Voting Matters".

3. How to build up a methodological framework in empirical studies on the implementation of the CRPD?

As noted above, the study "Voting Matters" supports the idea that the concept of (international) law adopted in a legal study inspires its theoretical approach, which guides the process of planning, collecting, and exploring the research material (Hage 2011, Lo Giacco 2019). The theoretical framework adopted in the study "Voting Matters" was discussed above in this article. Here, it is important to recall that a NLR perspective welcomes the combination of multiple methodologies, including both qualitative/interpretive and quantitative research. Accordingly, the study "Voting Matters" is built on an evidence-based approach and a mixed-research design to explore the provision and use of assistive devices by voters with disabilities.

The combination of methods in the study "Voting Matters" aimed to produce more reliable results. The focus lied on revealing the "social practices" taking place within the English and Spanish electoral systems, and primarily eliciting responses that can reflect on how reflexivity and knowledgeability are (or could be) in operation. All recommendations presented in this article in that regard are based on the researcher's experience in conducting her study. The study is articulated via three steps relating to the exploration of available and emerging electoral assistive tools, legal basis, and analysis of "social practices" within electoral systems. These three steps are examined in detail below.

3.1. A proposal for examining a broadly covered topic: scoping literature review

In the first stage of the study "Voting Matters", the aim is to carry out a comprehensive inventory and analysis of electoral-assistive devices to be used by persons with disabilities. To that end, the researcher applied a scoping literature review. A scoping review is a form of knowledge synthesis that addresses an exploratory research question rather than a highly focused question needed for a systematic review (Grant and Booth 2009). It is used to review key concepts, types of evidence, and gaps in research related

to a defined area by systematically searching, selecting, and synthesizing existing knowledge (Arksey and O'Malley 2005).

Scoping review methodology is particularly useful for examining a broadly covered topic to evaluate the literature and identify key concepts, theories, evidence, or research gaps comprehensively and systematically (Arksey and O'Malley 2005). Unlike systematic reviews, scoping reviews do not narrow the parameters of the review to research trials or require quality assessment (Cacchione 2016). Nevertheless, this type of review is rigorous and methodical in its approach to examining the extent, range, and nature of research activity in a particular field (Mays *et al*. 2001). It encompasses both empirical and conceptual research (published and unpublished), grey literature, and an optional consultation element with key informants (Arksey and O'Malley 2005).

The novelty of the area of voting assistive technology (AT) for voters with disabilities; diverse disciplinary location of existing literature; and need for a comprehensive and systematic picture of research activity and gaps, makes scoping review an appropriate methodology for the study "Voting Matters". Drawing on relevant literature that defines, explores, or describes AT for voters with disabilities, the contribution of the scoping review in the study "Voting Matters" is characterised by three main aspects. Firstly, identifying existing research that utilizes the concept of "voting AT" and related terms. Secondly, mapping and analysing assistive devices and target populations. Thirdly, determining potential areas for further development, integration, and application of AT in electoral processes. Accordingly, the researcher developed a scoping review protocol to consider and appraise the definitions, product application (i.e., how the devices can be used) and usage (i.e., target population), and potential utilization of AT in elections, as well as to identify areas for further knowledge development and utilization. This protocol is explained further in the Appendix.

Having explained the scoping review methodology above, the following sub-section of this article addresses the research method used by the researcher to identify and analysis the obligations of States Parties under international human rights law instruments. This part of the study mainly concerned Article 29(a) CRPD regarding the provision of electoral-assistive devices according to a legal dogmatic analysis.

3.2. A proposal for analysing legal obligations of States Parties to the CRPD

In the second stage of the study "Voting Matters", the aim is to identify and interpret from international law, and mainly the CRPD all those legal obligations concerning the right to vote with an emphasis on the provision of assistive devices for use by persons with disabilities. To reach this goal, the researcher applied treaty interpretation by following pre-established rules. The rules of interpretation that exist in international law are provided for in Articles 31 and 32 of the Vienna Convention on the Law of the Treaties (VCLT 1969). In applying treaty interpretation, the second sub-question of the study was addressed: what is the legal duty on States Parties under the CRPD and other relevant international human rights instruments regarding the provision of electoral-assistive devices to be used by persons with disabilities?

The present article does not elaborate comprehensively upon the implementation of the Vienna rules. Introductory texts in this field already exist (Gardiner 2008, Mechlem 2009, Linderfalk 2015). For present purposes, it is enough to say that in the study "Voting

Matters", the legal interpretation of relevant provisions of international law, and mainly Article 29(a) CRPD is based on a synthesis of all the interpretative rules set forth by Articles 31 and 32 VCLT, and guiding principles of treaty interpretation, including the principle of evolutive interpretation.

Furthermore, as indicated above, the study "Voting Matters" evaluates the extent to which England and Spain comply with their international obligations, and particularly under Article 29(a) CRPD through law and policy by relying on a normative legal analysis. Briefly, a normative legal analysis is used to describe the law in the light of coherence of the law, and to make prescriptions about how a factual or social scenario ought to be interpreted (normative results) (Van Hoecke 2011). The normative legal analysis aimed to partially address the third sub-question of the study: to what extend do England and Spain comply with the international obligations set out in the CRPD to ensure access to electoral-assistive devices by persons with disabilities?

To answer the above question, the normative legal analysis employed several relevant sources of national legislation and policy developments. Nevertheless, as explained above in this article, the theoretical framework of the study highlights the importance of assessing the practical implementation of the law (the "law-in-action"). Therefore, the provision and use of existing electoral-assistive devices in England and Spain had to be examined through the experiences of local actors, and mainly voters with disabilities and election officials. This was done through using a participatory research method: semi-structured interviews with research participants, as explained below.

3.3. A proposal for soliciting narrative accounts of individual experiences: semi-structured interviews

In the study "Voting Matters", semi-structured interviews were used by the researcher to address two sub-questions: the third sub-question (partially) indicated above, and the fourth sub-question, which has an emphasis on individual experiences and meanings: what are the experiences of voters with disabilities and other key stakeholders from England and Spain in using electoral-assistive devices? To what extent do those experiences influence the decision to vote by persons with disabilities?

Semi-structured interviews in the form of individual interviews with election officials and focus groups with voters with disabilities were useful to answer the above questions for two reasons. Firstly, both methods allow researchers to solicit narrative accounts of individual experiences (Hoffman and Cowan 2010). This feature is relevant to the study, because, as the theoretical approach set out above illustrates, when actors reflect discursively on their actions, they uncover their understandings of the structural factors surrounding their "practices". Secondly, focus groups and individual interviews recognise individuals as "active partners" in the research process (Imrie and Kumar 1998, Kroll *et al.* 2007). In the study "Voting Matters", as informed by Giddens's structuration theory, persons with disabilities are not taken as "research objects" who share their experiences, but as active participants who will contribute to social and political recommendations arising from the study (Goodley 2010). Accordingly, a small and non-representative group of voters with disabilities and election officials from England and Spain are research participants. The semi-structured interviews preserve anonymity and provide for consent in line with the ethics clearance received for the

study from the Ethical Review Committee Inner City Faculties (ERCIC) at Maastricht University (reference ERCIC_165_11_12_2019).

Lastly, the study "Voting Matters" is being conducted during the COVID-19 pandemic. Therefore, a second submission was made to the ERCIC in June 2020 regarding an amendment to the initial methodological approach. This submission outlined a move from in-person interviews to an online approach during the COVID-19 pandemic. The ERCIC concluded that there were no ethical objections to the execution of the research project as amended. Consequently, the interaction with research participants in the study has been conducted entirely through "virtual networking". A brief explanation of the ongoing implementation of semi-structured interviews in the study is provided below.

3.3.1. Implementation of (online) focus groups

Focus groups have been used in the study "Voting Matters" to specifically collect information about experiences of voters with disabilities in using electoral-assistive devices available in England and Spain. The focus group method has been adopted for providing rich descriptions by actors of phenomena and enhancing the understanding of the context in which these phenomena occur (Sofaer 1999). According to Gilflores and Alonso (1995, p. 84), a focus group is "a nondirective technique that results in the controlled production of a discussion within a group of people who do not know one another, but who share similar characteristics". Kroll *et al.* (2007) argued that in the area of disability research, focus groups have gained popularity because of their open format and flexibility of implementation.

Based on the researcher's experience, the following three requirements have been met to employ focus groups with persons with disabilities. Firstly, in the preparation phase, the researcher prepared a digital written protocol to explain the research, and particularly the use of information provided by participants of the focus groups. Based on the analysis of relevant national legal and policy documents, the researcher also drafted a focus group interview guide. Secondly, focus groups have involved persons with disabilities from England and Spain aged between 18 and 50 years old, male or female, with voting experiences at the European, national or local level. The disability type has not been a criterion for recruitment. Rather certain disability-related characteristics, such as using an assistive device (e.g., wheelchair, screen readers, or audio loop equipment) and having available personal assistants have been part of the criteria.

Potential participants have been identified through collaborative work with key Organisations of Persons with Disabilities (DPOs) from England and Spain, and civil society networks. Similarly, relevant local disability advocates have been approached to ask them to contribute to recruitment. The importance of working collaboratively with DPOs and other types of organisations is justified in two senses. For one, in terms of the composition of the groups. It has been useful to work with pre-existing groups, such as organisation members or support groups, since individuals might already be used to interacting in a group setting (Harris *et al.* 2005). Another reason is that when conducting the focus groups, participants might rely on certain assistive devices to receive information and communicate their ideas. Organisations working with persons with disabilities might already have this technology available. The potential participants have

received an invitation to participate in the project by a digital written message (via institutional email of the researcher) explaining the project. All recruitment digital materials, such as information sheets on the project, have been made available in accessible formats (e.g., easy-to-read format). Based on the responses, a list of participants has been drafted.

Thirdly, as regards the implementation procedures, the researcher has used the Zoom platform through an institutional account provided by UM. Participants' needs have been checked in advance of the focus groups to accommodate environmental requests. Moreover, following guidelines drawn from introductory texts, the group size has been between four to six participants (Morgan 2011). Focus groups including persons with intellectual or mental disabilities have been the smallest ones since more time has been needed to present questions and for the participants to take part in the discussions. Extra time has also been assured for those participants who experienced fatigue or discomfort during the focus groups. Moreover, focus groups that included persons with intellectual or mental disabilities, or who had limited communication skills, have included personal assistants and other proxy respondents, who serve as "translators" of the experiences of the individual with a disability. In implementing these focus groups, special attention has been focused on minimizing the use of proxy respondents as much as possible, since the qualitative research must rely on personal experience.

The time allotted to focus groups has been one hour, including time for "warming up" at the beginning and "winding down" at the end of each session. Participants have been asked to read and sign digital informed consent documents and to complete a digital demographic questionnaire before the group discussion starts. Accommodations have been made based on participants' needs, including making consent documentation available in alternative formats. Moreover, certain terms used during the discussions (e.g., tactile ballot guide) have been prepared in lay language and sent to participants in advance using electronic messages. Stimulus material have been also used during focus group sessions to meet the learning and communicative processing abilities of the participants, including computer-based PowerPoint presentations to provide pictorial memory aids and story scenarios to stimulate group discussions (Seymour *et al.* 2002, Harris *et al.* 2005).

Lastly, the modes of recording information include audio recordings and the moderator's notes. Key data has been summarised immediately following the focus groups by the researcher. To analyse data, discussions have been transcribed entirely and those from Spanish speakers have been translated into English. Responses have been coded. The coding process includes the type of electoral assistive device or structural factors upon which responses are based. Noteworthy, upon completion of her study, the researcher will solicit feedback from interviewees and disseminate with them an analysis of the research findings as appropriate.

3.3.2. Implementation of (online) individual interviews

Individual interviews have been used in the study "Voting Matters" to collect data from election officials who had experience of making electoral-assistive devices available to voters with disabilities on election day. Individual interviews are a relevant method to understand individuals' opinions since they provide the opportunity to clarify

respondent's ideas (Romero *et al.* 2019). Interviews have been defined by Minichiello *et al.* (1992, p. 19) as "repeated face-to-face encounters between the researcher and informants directed towards understanding informant's perspectives on their lives, experiences or situations as expressed in their own words".

In the study "Voting Matters", individual interviews are taking place with individuals who have performed, or preferably, who still perform, duties such as official government duties for national electoral authorities, poll workers, or election observers. The strategy to conduct the interviews includes three main components. Firstly, for planning the interviews, the researcher has developed an interview protocol, including the rules that guide the administration and implementation of the interviews (e.g., digital informed consent and confidentiality of the interviewee). Moreover, based on the analysis of relevant national legal and policy documents, the researcher drafted an interview guide. Secondly, to recruit participants, the researcher initially identified key stakeholders, including government election officials, poll workers, and election observers. Potential interviewees from each group have been identified by looking for information sources in web sites of national electoral authorities, media (e.g., news on recent electoral legal reforms), and through collaborative work with DPOs. Following international and national ethical research standards, an initial approach has been established with desirable participants. They have received an invitation to participate in the project through a digital written message via institutional email of the researcher explaining the project. Based on the responses, a list of individuals to interview has been drafted.

Thirdly, to collect and analyse data, online interviews with stakeholders have been set up. To that end, an initial contact via email or phone has taken place with each potential interviewee who has responded affirmatively to the invitation. This first call has explained the project in more detail and confirmed interviewee's participation by scheduling a second meeting. In cases where the interviewees wanted to know the questions in advance, they received the corresponding interview guide via email. Moreover, before starting with the interview, participants have been asked to read and digitally reply to the informed consent documents and to complete the digital demographic questionnaire. The time allotted to interviews has been 45 minutes. This length has varied depending on the circumstances during the interview. The researcher has summarised key data immediately following the interview. To analyse data, individual interviews have been transcribed entirely and those from Spanish speakers have been translated into English. Responses have been coded.

Lastly, upon completion of her study, the researcher will solicit feedback from interviewees and disseminate with them an analysis of the research findings as appropriate.

4. Conclusions

This article noted that the right to vote is an important political right for all citizens including persons with disabilities. Voting in elections allows persons with disabilities to assert their individual autonomy (agency). This article also indicated that international human rights law, and particularly Article 29(a) CRPD sets out the right of persons with disabilities to participate in elections on an equal basis with others.

The CRPD is of crucial importance for ensuring equality of opportunity in elections. This means that disabled citizens cannot be *de jure* or *de facto* restricted in the enjoyment of their voting rights. To that end, Article 29(a) CRPD imposes several positive obligations on States Parties to ensure the active participation of persons with disabilities in elections. These positive obligations include making available, among others, accessible voting materials [Article 29(a)(i)], protecting the ballot secrecy [Article 29(a)(ii)], and guaranteeing the free expression of the will of persons with disabilities as voters [Article 29(a)(iii)]. To comply with these obligations, States Parties to the CRPD can make available electoral-assistive devices to help persons with disabilities vote. The provision of (voting) assistive devices is a common positive measure to achieve greater accessibility in the voting environment so that persons with disabilities can vote secretly and independently, as required by Article 29(a) CRPD. These devices include tactile ballot guides, easy-to-read voter education guides, and electronic voting systems integrating assistive technology features.

Compliance with Article 29(a) CRPD by England and Spain through law and policy (and in practice) is assessed in the study "Voting Matters". Based on her experience, the researcher of the study "Voting Matters" reached to the following concluding remarks:

It is important to adopt a theoretical framework that favours interdisciplinary and empirical research in legal reviews on the implementation of the CRPD:

In order to accomplish its research objectives, the study "Voting Matters" endorses the idea that in legal studies, and particularly in legal research on the implementation of the CRPD, the research methods to obtain and analyse research material depends on the theoretical approach, and most importantly, on the concept of law accepted in the research. Accordingly, the "realist view of law" (concept of law) adopted in the study "Voting Matters" inspires its New Legal Realist approach combined with insights from Giddens's structuration theory (theoretical approach), which guides the process of planning, collecting, and exploring the research material through an evidence-based approach and a mixed research design. This article has comprehensively discussed such a theoretical and methodological framework.

At this level, it is important to note that the theoretical framework of the study "Voting Matters", as informed by Giddens's structuration theory, includes a dynamic conception of law, which emerges from seeing the law (or the CRPD) as the product of society that is in a permanently evolving process with changes in society. As such, the CRPD sets out substantive rights of persons with disabilities and concrete legal obligations applicable to States Parties. Moreover, the Convention comprises information about the social context and "social practices", as well as factual environment in which its provisions operate. In other words, the CRPD is not only a set of legally binding rules, but also a social process. Consequently, for achieving a fully developed disability legal scholarship, legal studies about the implementation of the CRPD need to combine the perspectives of jurisprudence and social sciences. This a challenging task that can be accomplished through an evidence-based approach and a mixed-research design.

More effective recommendations derived from research are reachable through empirical observation of reality:

It was discussed in this article that an evidence-based approach allows the researcher to understand that the implementation of the CRPD is susceptible to multiple "social practices" and that more effective recommendations derived from research are reachable through empirical observation of reality. Furthermore, a mixed-research design allows the researcher to combine doctrinal analyses with insights derived from social sciences. Such an approach helps the researcher answer the problem of getting a "realistic" sense of how the implementation of the CRPD depends on human actions on the ground, and beyond (but also including) compliance through law and policy ("law-in-action").

Following the ideas above, the overall aim of the study "Voting Matters" can be summarised as follows. Firstly, the study seeks to demonstrate that providing electoral-assistive devices is a common measure adopted by different countries to help disabled people vote. To achieve this goal, the researcher has applied a scoping literature review. This research method is appropriate to review key concepts, type of evidence, and gaps in research related to the area of voting assistive technology. Secondly, the study aims to identify concrete legal obligations of England and Spain pertaining to the provision and use of electoral-assistive devices by voters with disabilities under international human rights law, and particularly the CRPD. To that end, the researcher has followed the rules of treaty interpretation provided for in Articles 31 and 32 of the Vienna Convention on the Law of the Treaties (VCLT). Thirdly, as the study "Voting Matters" explores how England and Spain comply with their relevant obligations through law and policy, and in practice, the researcher has combined a normative legal analysis with a more participatory research method (semi-structured interviews).

It is crucial to build up a constructive relationship between law and the social sciences to investigate "the-CRPD-in-action":

In the study "Voting Matters", the actual provision and use of existing electoral-assistive devices in England and Spain has been examined through the experiences of a small sample of relevant actors: voters with disabilities and election officials from England and Spain. Doing online semi-structured interviews in the form of focus groups and individual interviews with these research participants has been important to recognised them as active participants who will contribute to social and political recommendations arising from the study.

Noteworthy, this article has provided ideas to improve ways to do research aiming to understand the context that gives meaning to the CRPD (the law). As noted, the implementation of the Convention depends on different factors, including the discretion of social actors and their understandings about disability itself. Therefore, in doing research on the implementation of the CRPD, it is important to consider the interdisciplinary communication process between law and social science. Such a recognition allows the researcher to accomplish a "better" picture of how the law (the CRPD) works out once it reaches the lives of persons with disabilities. This means to investigate the "CRPD-in-action".

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Appendix. How to set up a scoping review protocol?

The scoping review protocol designed by the researcher follows existing guidelines for scoping reviews in health and social research methodology with particular attention on Arksey and O'Malley's scoping review framework (Arksey and O'Malley 2005). The stages for the researcher's scoping review protocol are the following.

The first stage is to identify the research question. The second sub-research question of the study "Voting Matters" indicated above in this article guides the comprehensive review of the literature:

What are the available and emerging electoral-assistive devices that can be used to assist persons with disabilities to cast their ballots secretly and independently?

The researcher developed preliminary operational definitions applied to the sub-research question above, including "voting AT" and related terms. Moreover, the researcher considered relevant elaborations by Arksey and O'Malley (2005) who suggest an iterative process for developing one or more guiding research questions. In that context, each revision is driven by increasing familiarity with the literature. Consequently, the research question can be refined by the researcher by reflecting on available literature in the subject area.

The second stage is to identify relevant studies. To that end, the researcher developed provisional eligibility criteria, exclusion criteria, and identified relevant databases to be searched. This iterative process aimed to identify a specific search strategy and inclusive search terms. Moreover, as suggested by Nhunzvi *et al.* (2019), the researcher run trial searches with different combinations to determine whether the strategy generated key literature. The preliminary planned steps to identify relevant studies were the following four.

Firstly, regarding selection criteria, the researcher used specific inclusion criteria to guide the search and when reviewing articles. These criteria included peer-reviewed studies and grey literature published in English or with available English translations, as well as literature with a primary focus on defining, exploring, or describing ATs to vote. The researcher included studies and reports that use the key terms "voting" and "assistive technology" or their derivatives even if their use of these terms did not conform to standard definitions of "voting". The researcher also included articles centred on the general population and those that randomly included individuals with specific impairments or conditions. Moreover, the researcher used both theoretical and empirical literature published between January 2010 and December 2020.

Secondly, the most suitable electronic databases to be searched were Ebsco All; Web of Science; and Google Scholar. These databases were identified by the researcher with the help from a librarian from Maastricht University (UM) using a journal indexing system. The databases were selected to capture a comprehensive sample of literature (published and unpublished) from biomedical health sciences, allied health sciences, social sciences, and other disciplines.

Thirdly, to enhance comprehensiveness of the search and capture all relevant information, the researcher searched a variety of other literature sources including grey literature sources such as Open Grey, ProQuest Database of Dissertations, and Google

Chrome web browser; technology databases, and namely the European Assistive Technology Information Network (EASTIN) and the Centro de Referencia Estatal de Autonomía Personal y Ayudas Técnicas (Ceapat); and Wikipedia Corpus. Moreover, the protocol included a consultation exercise with experts on voting rights of persons with disabilities and other key stakeholders through online interviews to enhance the results, making them more useful to policy makers and service users (Arksey and O'Malley 2005, p. 29). Contributors to the consultation provided additional reference about potential studies to include in the review as well as valuable insights about issues relating to the effectiveness and cost-effectiveness of assistive devices.

Lastly, it is noteworthy that the search strategy evolved during the development of the provisional eligibility criteria of the scoping review (Nhunzvi *et al.* 2019). Moreover, the researcher drew on the "voting AT" terminology to come up with operational search terms for available and emerging electoral-assistive devices. In doing so, the researcher requested assistance from a UM librarian to develop an inclusive list of primary, secondary, and tertiary search terms and the applicable filtering methods. The searches from each database were documented and references were imported into database-specific folders in EndNote, where duplicates were eliminated. The researcher also used preliminary search to review publication titles to further inform refinement of the search strategy. All the search strategies were modified to comply with the different databases the researcher searched (where appropriate).

The third stage of the protocol is the study selection. To that end, the scoping review followed a three-part article selection process. Article titles were reviewed first, and the researcher reviewed the titles to identify articles that (i) indicated a research focus on the key terms of "voting AT" and (ii) titles including the alternative words to the key terms. In cases where there was uncertainty about the title, especially about the research focus, the article was not eliminated until it was examined more in depth by looking at the abstract in detail. The second stage of article selection involved review of titles and abstracts using the inclusion and exclusion criteria established by the researcher. Furthermore, a sample of articles was double checked by another researcher from Disability Advocacy Research in Europe (DARE) Project to confirm compliance with eligibility criteria of the scoping review. The key point of this second stage was to include abstracts which demonstrated the subject area content being reviewed, that is "voting AT". In the third stage, the researcher screened the full-text articles to determine if they met the inclusion/exclusion criteria.

The fourth stage pertains to charting the data. Key information about the study content was extracted using a framework specifically designed for this review (an Excel file). The extraction included standard bibliometric information and details of the study characteristics. Based on a preliminary exercise, the researcher developed a priori categories which guided the extraction and charting of data from the articles. Key information was extracted from the main body of the article to sufficiently address the research question. The researcher was flexible in accommodating additional categories that emerged during the actual review process, which helped in comprehensively answering the question and addressing the study objectives (Nhunzvi *et al.* 2019).

The fifth stage of the protocol is about collating, summarizing, and reporting the results. The resulting document from the scoping review is an ongoing chapter thesis that will

include a narrative account of scoping review findings in two ways. Firstly, a brief numerical analysis of the bibliometric information will be presented. This will describe the extent, nature, and distribution of the studies included in the review through a narrative account of articles' publication year; geographic distribution of the scholarship; type of sources; and subjects researched. Secondly, the extracted characteristics and categories of AT devices will be organised thematically using deductive thematic analysis according to AT use in the electoral process; AT target population; and AT application. With the deductive thematic analyses, the review aims to summarize and describe conceptualisation and application of electoral-assistive tools.