

VOTING RIGHTS & ACCESSIBILITY FOR DELAWARE VOTERS WITH DISABILITIES

Community Legal Aid Society, Inc.

Disabilities Law Program
Protection & Advocacy for Voting Access

Presentation for the
25th Annual LIFE Conference

January 24, 2024



ADVOCATING
FOR JUSTICE

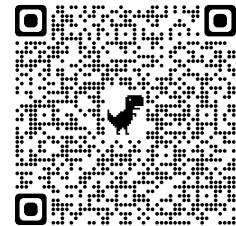
75
YEARS

Community Legal Aid Society, Inc. (CLASI)

- Non-profit law firm
- Civil legal advocacy
- Free legal services
- Vulnerable and underserved Delawareans

Disabilities Law Program (DLP)

- Appointed by governor as Delaware's designated Protection and Advocacy (P&A) System
- PAVA / Voting Access
- Monitor Polling places on Election Day for accessibility (2022 Report)



TRUE OR FALSE?

You cannot vote if you:

- ▶ cannot read or write
- ▶ don't have transportation
- ▶ have a guardian
- ▶ are homeless
- ▶ don't know how to use a voting machine
- ▶ if you have a cognitive disability
- ▶ if you ever committed a crime
- ▶ If you live in a long-term care facility

Voting Rights and Accessibility for Delaware Voters with Disabilities

Our objective today is to:

- Motivate, inspire, and empower you
- Cover all the voting basics
- Encourage making a Voting Plan
- Provide info needed to make a plan
- Share resources for getting more information, help, and support

Voting Rights and Accessibility for Delaware Voters with Disabilities

- **WHY** does voting matter?
- **WHO** can vote?
- **WHEN, WHERE, HOW** can I vote?
- **MAKE A PLAN** to vote
- **HELP** and more information

Why does voting matter?

- ▶ “It is a fundamental right in American society – the foundation of our democracy. By expressing our views through voting, we can help ensure that our government develops and implements good policies and protects our civil rights.”
- ▶ “It is a way to say what’s important to you.”
- ▶ “It gives you a feeling of being part of America and your community. It can even be fun.”
- ▶ “It’s our civic duty in a democracy.”

LOOKING AT NATIONAL NUMBERS

If people with disabilities voted at the same rate as people without disabilities who have the same demographic characteristics there would be about **2 million more voters** (Rutgers)

The 2000 presidential election (Bush v. Gore) was decided with a margin of only **537 votes** out of almost **6 million cast (0.009%)**

(In Delaware numbers, that would be the equivalent of just 70 voters out of 783,000!!)

LOOKING AT DELAWARE NUMBERS

How many Delawareans are voting?

2020 Presidential Election

Total Registered Voters 739,570

Turnout Primary 125,101 **27%**

Turnout General 509,241 **68%**

201,285 adults in DE have a disability
(that is equal to 26%, or 1 in 4 adults)



When I liberate
myself, I liberate
others. If you
don't speak out
ain't nobody
going to speak
out for you.

**Fannie Lou
Hamer**

Voting Rights and Accessibility for Delaware Voters with Disabilities

WHO CAN VOTE?

- U.S. citizen
- Resident of Delaware
- 18 years old on or before Election Day
- Registered with the Dept of Elections

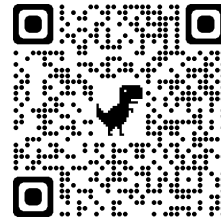
Voting Rights and Accessibility for Delaware Voters with Disabilities

HOW / WHERE TO REGISTER?

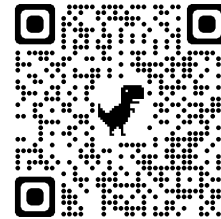
In person at your county election office



Online at ivote.de.gov



On the Dept of Elections website



Call and ask that a form be mailed to you

DE driver's license or ID card needed to use ivote.de.gov

WHEN, WHERE & HOW TO VOTE

WHEN	WHERE
IN PERSON	
Early Voting*	Any center in your county
Election Day*	Your assigned polling place
ABSENTEE – BY U.S. MAIL, FAX OR EMAIL	
Up to 3 months before Election Day	From home, ILC, hospital, LTC, anywhere

**See the “Important Dates” slide*

ABSENTEE VOTING OPTIONS

- ▶ Electronically at <https://ivote.de.gov>
- ▶ Download [fillable form](#) from DOE website
- ▶ In person at your county DOE office, before 12:00 noon on the day before Election Day



Requesting an Absentee Ballot (video)



Marking and returning Absentee Ballot (video)

ABSENTEE CONDITIONS

- Outside the U.S. borders
- Outside of one's voting district
- Conflict with a religious practice
- Being "sick or physically disabled"
- Being a caregiver to a family member
"...who is living at home and requires constant care due to illness, disability, or injury..."
- Possibility of "Permanent Absentee"

Select the election or elections for which you want an absentee ballot

- Primary Presidential Primary General Special All elections
School Board Elections and School District Referenda require a different form.

Select the reason(s) you are voting by absentee ballot:

- (1) I am in public service of the United States (U.S.) or the State of Delaware, or I am a citizen of the U.S. temporarily residing outside the territorial limits of the U.S. and the District of Columbia, or such person's spouse or dependent when residing with or accompanying such person, or absent from this State because of illness or injury while serving the armed forces of the U.S.
- (2) I am in the armed forces of the U.S. or the merchant marine of the U.S., or attached to and serving with the armed forces of the U.S. in the American Red Cross or United Service Organizations.
- (3) Due to the nature of my business or occupation. This reason includes:
- the business or occupation of providing care to my parent, spouse, or child who is living at home and requires constant care due to illness, disability, or injury;
 - students; and
 - otherwise eligible persons who are incarcerated.
- (4) I am sick or physically disabled (temporarily or permanently).
- (5) I am absent from the district while on vacation.
- (6) I am unable to vote at a certain time or on a certain day due to the tenets or teachings of my religion.
- (7) I am otherwise authorized pursuant to the Federal Uniformed and Overseas Citizens Absentee Voting Act to vote by absentee ballot.
- (8) I am otherwise authorized by federal law to vote by absentee ballot.

Special Qualification regarding electronic delivery of absentee ballots.

I am voting by absentee ballot due to reason 4.

Send my ballot by: mail, fax, or email

FAX # _____ EMAIL: _____
(required if you want ballot faxed or emailed)

Special Qualification regarding Permanent Absentee voter status.

I am voting by absentee ballot due to reason 1, 2, 4, 7, or 8, or my business or occupation is providing care to my parent, spouse or child who is living at home and requires constant care due to illness, disability, or injury.

Make me a permanent absentee voter.

I solemnly swear or affirm, under penalty of perjury, that I cannot go to my polling place on Election Day for the reason that I marked and that the information I have provided herein is true and correct.

Signature

Date _____

Right to Accessible Voting

U.S. law says that voting systems must be:

“Accessible for individuals with disabilities... in a manner that provides

THE SAME OPPORTUNITY FOR ACCESS AND PARTICIPATION (including privacy and independence) as for other voters.”

ACCESSIBLE POLLING LOCATION

Polling Places must be accessible in terms of:

- Parking (spaces and location)
- Signage
- Path to entrance (level, smooth)
- Doors (width, handles, thresholds)
- Ramps (length, rails, slope)
- Space to maneuver wheelchair, scooter

ACCESSIBLE VOTING EQUIPMENT

Delaware uses the Express XL voting machine

- ▶ Height adjustable for sitting or standing
- ▶ Large screen (30 inches)
 - ▶ Voters can enlarge font size, change contrast
 - ▶ Voting card slot has tactile clues and Braille
- ▶ Universal Voting Console (UVC):
 - ▶ Large colored and shaped navigation buttons with Braille
 - ▶ Headphone jack
 - ▶ Sip-and-Puff wheelchair jack



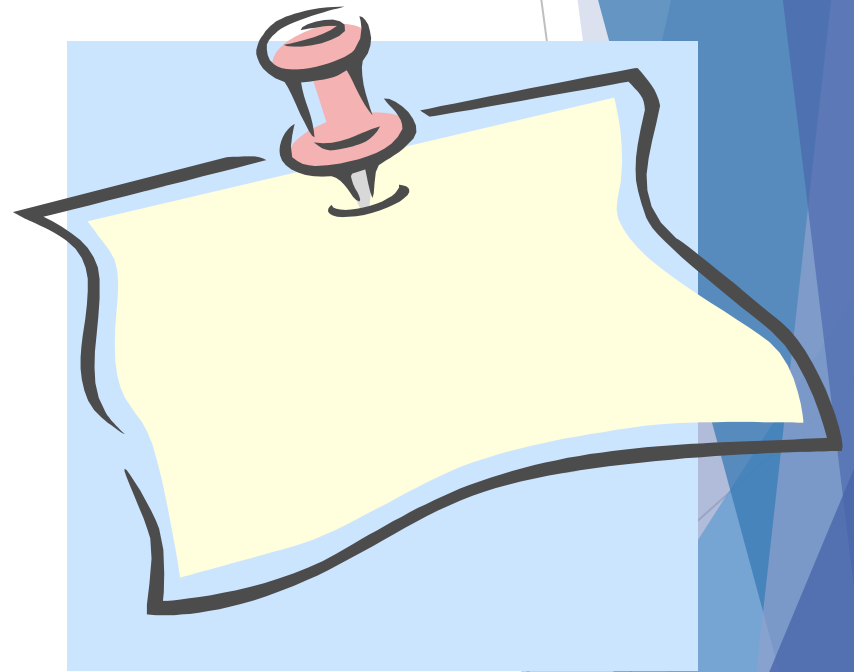
WHAT LAWS PROTECT VOTING RIGHTS?

Federal laws protect everyone's right to vote, including:

- Voting Rights Act of 1965 (VRA)
- Voting Accessibility for the Elderly and Handicapped Act of 1984 (VAEHA)
- Americans with Disabilities Act 1990 (ADA)
- National Voter Registration Act of 1993 (NVRA)
- Help America Vote Act of 2002 (HAVA)

Important Note

**You have the
right to vote
even if you
have a
guardian**



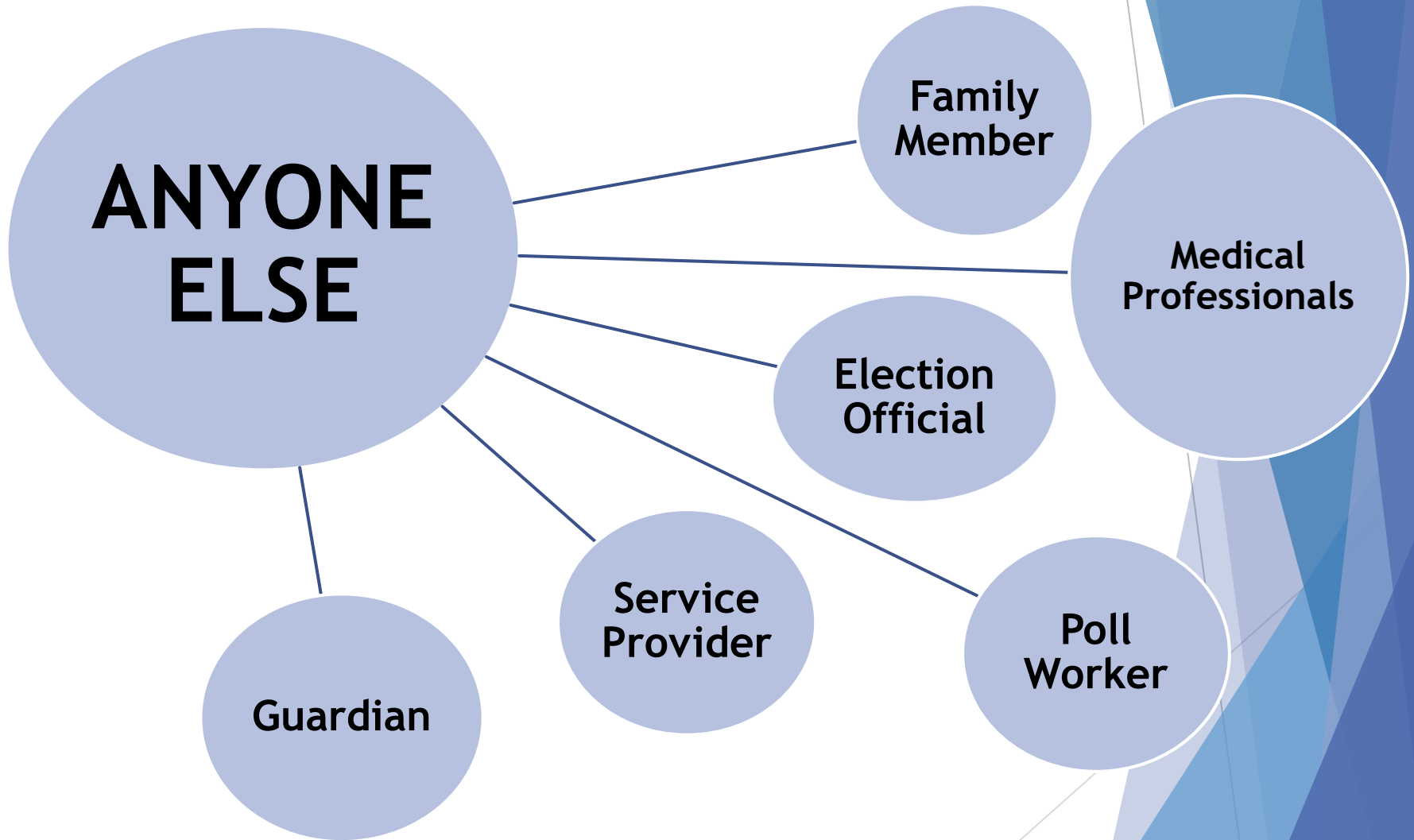
Unless a guardianship order **specifically** states that a person is not capable of basic voting judgment, that person can vote.

**Only one person can take
away your right to vote:**

A JUDGE



Who CANNOT take away this right?



DON'T LEAVE WITHOUT VOTING!!

Even if someone says you cannot vote, federal law states that in federal elections, poll workers **MUST** allow you to cast a Provisional Ballot. An election official will determine whether you are eligible to vote in the election, and if you are, your vote will be counted.

DON'T LEAVE WITHOUT VOTING

If the Polling Place or Vote Center Is About to Close:

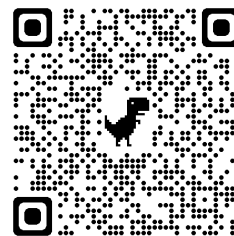
Don't leave! If you're waiting in line when polls close, you have the right to stay in line as long as it takes to be able to cast your ballot.

If You Need Accommodations:

Poll workers are required to make reasonable accommodations to allow you to vote, in accordance with ADA standards. Ask to use the accessible machine.

If you were unable to resolve your problem, you can file a complaint

If you or someone else was discriminated against based on a disability while registering to vote or voting, you can file a complaint with the Civil Rights Division of the Department of Justice, online or on paper. Assistance is available for voters who wish to use this option.



Identification to Register

- ▶ To register online, voters must have valid driver's license or ID card issued by the state of Delaware
- ▶ To register on paper, voters will need:
 - A valid photo ID
 - AND**
 - ▶ Another document or mail that shows their name and address, such as:

Utility Bill

Paycheck

Lease

Bank Statement

Government check

Government letter

Some other government or official document (not hand-written) that shows their name and address.

Identification at the Polling Place

- You will be asked to check in and show identification
 - State-issued identification or
 - Mail that shows name and address, like a utility bill
- Identification is **not** required by law but having it will make things go more smoothly.
 - If you don't have identification, you can sign an affidavit.
 - If you encounter difficulties at the polling place regarding identification, ask to speak to the inspector, and if that doesn't work, to the county elections office
 - If that doesn't work, call one of the hotline numbers

Summary of Voting Rights for People with Disabilities

- ▶ You have the right to vote, unless a judge specifically says otherwise
- ▶ You have the right to assistance by a person of your choice
- ▶ You have the right to an accessible polling place and voting process
- ▶ You have the right to vote absentee or in person
- ▶ You have the right to be treated with dignity and respect in all aspects of the voting process

Hotline Assistance on Election Day

Election Protection

866 OUR-VOTE (866) 687-8683

info@866ourvote.org

CLASI Disabilities Law Program,

Voting Access (302) 856-2027

jkingsley@declasi.org

Important Dates

2024 Presidential Primary

- **Feb 2** Deadline to change party affiliation for Presidential Primary
- **Mar 9** Deadline to register for Presidential Primary Election
- **Mar 20** Early Voting (last day Mar 30)
- **Apr 2** Presidential Primary Election (7am - 8pm)
- **May 24** Deadline to change party affiliation for Primary Election

Important Dates

2024 State Primary and General Elections

- **Aug 17** Deadline to register for state Primary Election
- **Aug 28** Early voting (last day Sept 8)
- **Sept 10** State Primary Election (7am - 8pm)
- **Oct 12** Deadline to register for the General Election
- **Oct 25** Early Voting (last day Nov 3)
- **Nov 5** General Election (7am - 8 pm)

Disabilities Law Program of Community Legal Aid Society, Inc. (CLASI)

New Castle County	302 575-0660
Kent County	302 674-8500
Sussex County	302 856-0038

Assistance for Voting Problems 302 856-2027

Follow Us:

www.declasi.org

Facebook: CommunityLegalAidSociety

Twitter: DECLASI

Instagram: de_clasi

LinkedIn: Community Legal Aid Society, Inc.



ADDITIONAL RESOURCES

- ▶ Delaware Department of Elections
<https://elections.delaware.gov>
- ▶ U.S. Election Assistance Commission (EAC)
<https://eac.gov/voting-accessibility>
- ▶ League of Women Voters <https://www.vote411.org>
- ▶ National Disability Rights Network
<https://www.ndrn.org/voting/>
- ▶ REV UP <https://www.aapd.com/about-rev-up/>
- ▶ Delaware Voting Information
<https://votedelaware.org>

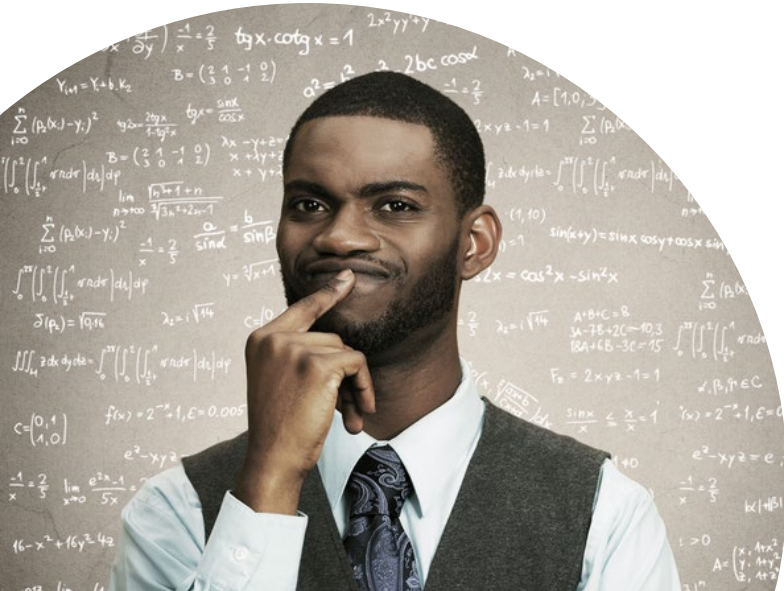
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- ▶ if you have a cognitive disability
- ▶ if you ever committed a crime
- ▶ If you live in a long-term care facility

FALSE

Questions?



Thank you!



NOW RECRUITING

Election Officers ages **16 & Up**
for the 2024 Elections!

Join our team to conduct fair and impartial elections, serving
all voters equally and respectfully!

Presidential Primary
Tuesday,
April 2, 2024

State Primary
Tuesday,
September 10, 2024

General
Tuesday,
November 5, 2024

HOURS:

- 3 hour Training Class before each election
- Election Day, 6 a.m. - 10:00 p.m.



PAY:

Inspectors: \$400
Judges: \$325
Clerks: \$300

DUTIES:

- open and close polls.
- operate voting equipment.
- check voter eligibility.
- process voters.
- complete polling place documents.

APPLY
using QR Code



Send your completed application to your county Department of Elections Office:

New Castle County
Carvel State Office Building
820 N French Street, Suite 400
Wilmington, DE 19801-3531
Email: ElectionOfficerNCC@delaware.gov
Fax: (302) 577-6545
Phone: (302) 577-3464

Kent County
100 Enterprise Pl, Suite 5
Dover, DE 19904-8802
Email: ElectionOfficerKC@delaware.gov
Fax: (302) 739-4515
Phone: (302) 739-4498

Sussex County
PO Box 457
Georgetown, DE 19947-0457
Email: ElectionOfficerSC@delaware.gov
Fax: (302) 856-5082
Phone: (302) 856-5367

For more information visit <https://de.gov/electionofficers>

