

Enhancing Participation in the Political Process for People With Disabilities



Disability Rights Nebraska
1-800-422-6691

A Historical Look at Voting



37% of Nebraskans with disabilities did not vote in the 2008 election.

Wikipedia,

- Voting as a tool for exerting political power
- Voting from an equal dignity perspective

Michael Waterstone, *Constitutional and Statutory Voting Rights for People with Disabilities*, 14 Stan. L. & Pol'y Rev. 353 (2003).

Important Voting Dates

Voter Registration

- Registering to vote can be done in person or by mail.
 - If you choose to register **in person**, you must do so by **October 26, 2012**.
 - If you choose to register **by mail**, you must do so by **October 19, 2012**.
 - ELECTION DAY IS NOVEMBER 6, 2012



Nebraska Requirements for Voting

You have the right to register to vote if:

- ✓ You are 18 years of age or older on General Election Day;
- ✓ You are a citizen of the United States;
- ✓ You are a resident of Nebraska;
- ✓ It has been 2 years after you have been convicted of a felony, completed your sentence, parole or probation term, and have completed the stipulations for those programs.
- ✓ You have not been declared by a court to be mentally incompetent.



Residency

- ✓ To vote in Nebraska, you must be a resident of the state of Nebraska.
- ✓ This means that you must actually have your primary home in the state of Nebraska and when absent have the intention of returning.
- ✓ If a person is homeless, he or she will be considered to be a resident of the county in which he or she is living.
- ✓ Leaving for temporary purposes, such as military service or school attendance, need not result in a change of residence for voting purposes.



When should I Re-Register to Vote?

You must re-register whenever you change:

- ✓ Your name
- ✓ Your address
- ✓ Your political party affiliation



Failure to vote in a previous election does not require re-registration

Where to get a voter registration card in the future

You can get a voter registration card:

- ✓ Your local County Clerk's Office
- ✓ The Secretary of State's Office
- ✓ Some Nebraska cities have registration cards in their local phone books.



Civil Commitment

Can I vote if I have been civilly committed?

Yes. Even if you have been civilly committed in the past or if you are currently under a civil commitment. A commitment does not affect your right to vote.



Can I vote if I have been convicted of a felony?



IT'S THE LAW

If you are convicted of a felony, you must wait until two years after you have completed your sentence and parole term before you will be allowed to register to vote or to vote.

After two years, the disqualification from voting is automatically removed, and you may again be eligible to register to vote. Neb. Rev. Stat. § 29-112.01 (2010).

Guardianship

Can I vote if I have a guardian?

Yes- if you have a guardian, you can still vote.

Guardianship

You can also vote if you have a conservator or a Power of Attorney.

What if my eligibility to vote is questioned?



You will be given the opportunity to **sign an oath** swearing that:

- ✓ You are a registered voter and
- ✓ You believe you are eligible to vote in that election **and**

You will be able to cast a **provisional ballot** if:

- ✓ Your name does not appear on the official list of eligible voters or
- ✓ The election official believes you are ineligible to vote

Casting a Provisional Ballot



- ✓ You must take an oath that you are a registered voter and that you are eligible to vote in that election.
- ✓ You must be given a toll-free number or website to contact to find out if your vote was counted and if not, a reason why.

If your vote is not counted and you disagree with that decision, you may file a complaint with the Secretary of State.

Obtaining an Early Voting Ballot

If you are not going to be able to vote at your designated polling place on Election Day, you may ask to use an early voting ballot.

- ✓ Get a ballot request form from the County Election Office, County Clerk or on-line from the Secretary of State.
- ✓ Request the ballot no more than 120 days before a primary or general election.



Who can obtain an Early Ballot?

Anyone may apply for an Early Voting ballot, such as:

- ✓ Persons not able to go to the polls due to their work or vacation schedule, or
- ✓ Persons not able to go to the polls due to a medical condition or hospitalization, or
- ✓ Persons temporarily out of the county, state or country
- ✓ Persons not wishing to travel to the polls
- ✓ Persons not wishing to leave their homes




Voting Empowerment through State Law

Voting an Early Ballot

- ✓ The last day to **request** a ballot is at 4:00 P.M. on the Wednesday before Election Day (October 31st).



-  ✓ Vote the ballot no more than 35 days before a statewide election or 15 days before a city election.



- ✓ The last day to **vote** the Early ballot

- **In person** → the day before the election at 5:30 P.M.
- **By mail** → It must be received in the election office by 8:00 P.M. on Election Day.



Overseas and Military Voters

Members of the Armed Forces and American Citizens who are overseas have several options regarding voting. Please visit the following links to learn more and download special registration and request forms:



- ✓ Nebraska Secretary of State -- Military Voters
<http://www.sos.state.ne.us/elec/militaryvoters.html>
- ✓ Nebraska Secretary of State -- Overseas Voters
<http://www.sos.state.ne.us/elec/overseasvoters.html>
- ✓ Federal Voting Assistance Program
<http://www.fvap.gov>
- ✓ Federal Postcard Early Voting Application
<http://www.fvap.gov/FPCA/fpcachoice.html>

Presidential Ballot

If you recently moved to Nebraska or moved to another state after the registration deadline, then you may only vote a Presidential ballot.



Voting Empowerment through State Law

Polling Place Accessibility

All polling places must be accessible to registered voters and must be in compliance with the Americans with Disabilities Act.

- ✓ Curbside Voting
- ✓ Voter Assistance
- ✓ Voting Systems



Polling Place Accessibility

Curbside Voting

If you have difficulty getting into the polling place, you can ask for your ballot to be brought to your car as long as your car is within one block of the polling place.



Polling Place Accessibility

Voter Assistance

You have a right to be assisted in voting from anyone of your choice, or two polling place officials of different political parties.



Polling Place Accessibility

AutoMARK System

Voters insert a paper ballot in the machine and make candidate selections on a touch screen with text that can be enlarged for easier reading. Alternately, voters can use headphones to hear a recorded list of candidates for each race and then make their selections on a keyboard or via a sip/puff device. Ballots are counted by hand or by optical scanner.



Time off work to vote

Employers must grant employees from one to two hours paid leave to vote, **unless polls are open two consecutive hours before or after regular working shift.**



Employees must request this time prior to Election Day, and the Employer may specify when during the working day employees may take time off. Neb. Rev. Stat. § 32-922

Voting Empowerment through Federal Law

Voting Rights Act of 1965

Persons who wish to have assistance in voting because of their disability, may have assistance provided to them by a person of their choice.

42 U.S.C. §1973aa-6



Voting Empowerment through Federal Law

Voting Accessibility for the Elderly and Handicapped Act of 1984

States are required to make certain that polling places used in federal elections are “accessible.” 42 U.S.C. §1973ee



Voting Empowerment through Federal Law

Section 504 of the Rehabilitation Act of 1973

“No otherwise qualified individual with a disability...shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” 29 U.S.C. §794 (2002)



Voting Empowerment through Federal Law

Americans with Disabilities Act of 1990

- ✓ Title II--No persons with disabilities shall be discriminated against because of their disability by a public entity. 42 U.S.C. 12132
- ✓ Title III--Places of public accommodation cannot discriminate against individuals on the basis of a person's disability. 42 U.S.C. §12182 (a)
- ✓ Cases decided under the ADA have rejected absolute access to polling places and private & independent voting.



Voting Empowerment through Federal Law

In 2002 the federal Help America Vote Act (HAVA) was enacted to create *greater voting access to persons with disabilities*



HAVA assures voters with disabilities the *same opportunity for access and participation, including privacy and independence, which voters without disabilities enjoy*

Voter ID

Identification is only required if you are a first-time voter who registered by mail and did not provide verification with your registration application.



Key Provisions of HAVA



Provide alternative language accessibility as required under the Voting Rights Act

Provide provisional ballots to ensure that no one is turned away at the polls

By January 1, 2006, HAVA will ensure that:

- ✓ You have an opportunity to privately and independently check and correct any errors on your ballot
- ✓ There is at least one voting machine per polling place that is accessible to all persons with disabilities

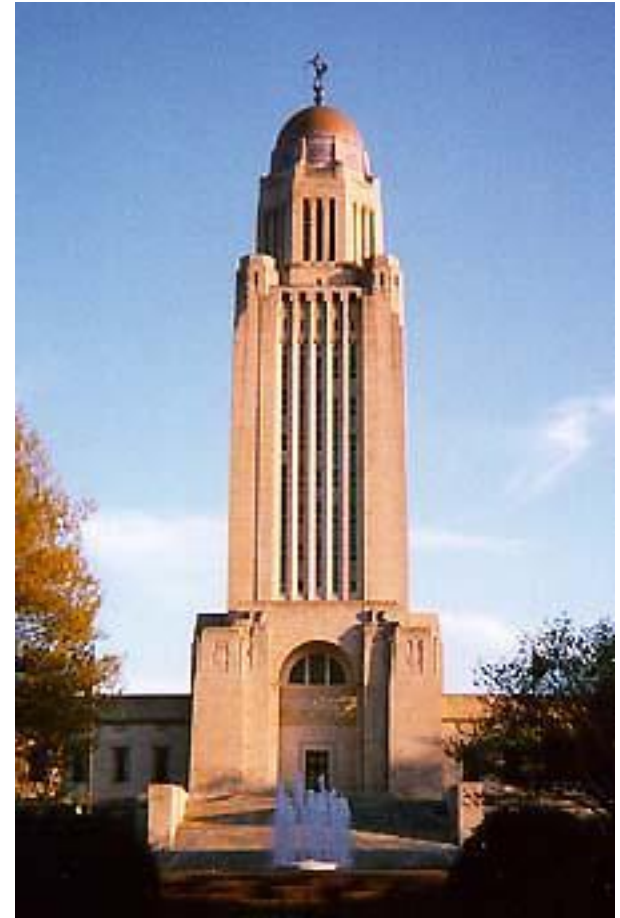
Key Provisions of HAVA

First Time Voters

If you have registered by mail and are voting for the first time, you must:

- ✓ Present a current and valid photo identification to the election official; or
- ✓ Present an official copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows your name and address.

If you do not show identification, you will be allowed to cast a provisional ballot.



Complaint Procedure

If you believe that there has been a violation of your voting rights, you may file a complaint with the Secretary of State.

You may indicate on your complaint form if you would like to have a hearing.

The Secretary of State may respond in writing to the complaint before the hearing based upon its contents and the Secretary's own investigation.



Complaint Procedure



If you have asked for a hearing, the Secretary of State will appoint a hearing officer.

If the hearing officer agrees that the complaint has merit, he or she will prepare a written finding within 90 days of filing the complaint and suggest potential remedies to the Secretary of State.

If no merit is found, the complaint will be dismissed.

Complaint Procedure

If a finding is not issued within 90 days of filing the complaint, you may choose to go through mediation.

The mediation will be through the Office of Dispute Resolution and will be paid for by the Secretary of State.

The mediation process must be completed within 60 days from when it began.



For More Information

For more information visit
www.sos.ne.us to learn about:

- ✓ Voter registration or to print a voter registration form
- ✓ How to vote
- ✓ How to contact your county election commissioner

For more information about the
Help America Vote Act visit:

- ✓ The Association of People with Disabilities
AAPD Disability Vote Project at
www.aapd.com or
- ✓ National Organization on Disability at
www.nod.org or
- ✓ Do a “Google” search for the “Help
America Vote Act”

Disability Rights Nebraska





Disability Rights Nebraska

Main Office

134 S. 13, Suite 600
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(402) 474-3183 (Voice and TDD)
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Scottsbluff Office

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Scottsbluff, NE 69363
308-631-5367

info@disabilityrightsnebraska.org

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Disability Rights Nebraska is a private, non-profit agency serving the entire state of Nebraska. We accept direct contacts or referrals from any location in Nebraska. All contacts are kept confidential.

Secretary of State website

<http://www.sos.ne.gov/dyindex.html>

If you are not sure where you are assigned to vote at, you can look it up online at the Polling Place Locator website:

<http://www.vote411.org/pollfinder.php>



Polling Place survey

Please fill out a polling place survey after you have voted at the polls.



The postage is pre-paid - please send it to Disability Rights Nebraska.

We compile the information and share it with the Secretary of State's Office to ensure that Nebraska polling places are accessible.