

STATE COUNCIL FOR PERSONS WITH DISABILITIES

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MEMORANDUM

DATE:

January 30, 2014

TO:

All Members of the Delaware State Senate

and House of Representatives

FROM:

Ms. Daniese McMullin-Powell, Chairperson

State Council for Persons with Disabilities

RE:

H.B. 208 [DMV Voter Registration]

The State Council for Persons with Disabilities (SCPD) has reviewed H.B. 208, which would assure that driver's license addresses and voter registration addresses are the same. SCPD opposes the proposed legislation and has the following observations.

First, there is no legal requirement that an individual's address for a driver's license be the same as the individual's address for voting. The bill, in effect, requires individuals submitting a change of address form to DMV to categorically and inexorably change their voter registration address. This is an unwarranted restriction on an individual's identification and reporting of his residence for voting purposes.

Second, federal and Delaware law authorizes members of the armed forces, and their spouses and dependents, to choose a residence for voting purposes among a menu of options. See Title 15 Del.C. §1901. Limiting covered individuals to only the address on their driver's license is contrary to this law.

Third, University students have historically enjoyed some discretion in identifying their residence for purposes of voter registration. For example, the attached New Jersey Division of Elections contains the following explicit guidance:

If you are in college, you have the option to register from your college address or your parent's address. There are good reasons for registering and voting at either residence, but keep in mind, the final choice is yours.

If a 19 year old U. of D. student from a family in Sussex County lives off-campus near

Newark and returns "home" during breaks and the summer, that student should have the option of registering to vote in New Castle County or in Sussex County. The Delaware Constitution only requires an individual to live in a particular county for three months and a particular voting district for 30 days to be eligible to vote in that county and district. See Article V, Section 2. Such a student may have valid reasons for having a different driver's license address and voter registration address.

Fourth, there are Delaware residents with more than one address. For example, it is not uncommon for New Castle County residents to also have a second home in Sussex County at which they may spend half their time. Such residents should have the option of registering to vote based on their choice irrespective of the address on their driver's license.

Fifth, the legislation creates an anomaly since individuals who opt to register through non-DMV venues are not constrained to have a different voter registration and driver's license address. Consistent with the attached State of Delaware Voter Registration Application and Eligibility Affidavit form, an individual does not even need to show a driver's license to register through a non-DMV venue. Rather, the individual can rely on "a current utility bill, bank statement, government check, paycheck or other government document that shows...name and address." It is therefore anomalous to attempt to categorically require driver license and voter registration addresses to be the same.

Sixth, Delaware law establishes a process to change an address for purposes of voter registration through an application. See Title 15 Del.C. §2041. Individuals changing their address with DMV will have no idea that they are effectively applying to change their voter registration address. This will result in voters appearing at their expected polling site only to be precluded from voting there. Instead, they will be subjected to a byzantine process and eventually have to travel to a different polling site which may be in a different county. See 15 Del.C. §1547(1)(2). This will result in frustrated voters, especially voters with disabilities who already encounter many barriers (see attachments), who will simply "give up" their right to vote in the face of unforeseen obstacles.

Thank you for your consideration and please contact SCPD if you have any questions regarding our position or observations on the proposed legislation.

cc: Ms. Elaine Manlove
Mr. Brian Hartman, Esq.
Governor's Advisory Council for Exceptional Citizens
Developmental Disabilities Council
hb 208 voter registration 1-28-14

DOS Home > Elections Home > Registration Information

VOTER REGISTRATION INFORMATION

- How To Register
- Who Can Register
- Where To Register
- M I Registered?
- Where to Vote?
- . What County Do I Live In?
- Military & Overseas Civilian Voting
- Registration & Voting for College Students
- Voter Frequently Asked Questions

HOW TO REGISTER

The registrant must download and complete a Voter Registration Application and/or Party Affiliation Form,

Mail or deliver the Voter Registration Application and/or Party Affiliation Form to the <u>County Commissioner</u> of <u>Registration or Superintendent of Elections</u> for your county.

The registration deadline to vote at the next election is 21 days prior to election day.

WHO CAN REGISTER?

To register in New Jersey you must be:

- · A United States citizen
- At least 18 years old by the next election
- · A resident of the county for 30 days before the election

You are not eligible to register to vote if:

You are serving a sentence or on parole or probation, as a result of a conviction of an indictable
offense under state or federal law.

Note: If you are no longer serving a sentence, or no longer on parole or probation..., you CAN vote in NJ by completing a <u>new voter registration form.</u>

You only lose your right to vote while on parole, probation or serving a sentence due to a conviction for an indictable offense under any federal or state laws.

- If you were registered to vote before you were convicted, you must complete a new <u>voter</u> registration form once you have served your time.
- If you are a pre-trial detainee or on ball pending appeal, you do not lose your right to vote.
- If you have any questions, please contact your county commissioner of registration.

WHERE TO REGISTER

Registration Application Forms are available from the <u>Division of Elections</u>, the <u>Commissioners of Registration</u> office in the County where you live or from your Municipal Clerk.

Registration forms are also available at Division of Motor Vehicle offices. You can also register to vote at the same time you are applying for assistance or service at the following agencies:

- N1 Medical Assistance & Health Services Program
- WIC (Supplemental Food Program for Women, Infant & Children)
- Work First NJ Programs
- Division of Developmental Disabilities
- Office of Disability Services Department of Human Services Public Offices
- Armed Forces of the United States Recruitment Offices
- Division of Vocational Rehabilitation Services Department of Labor
- Commission of the Blind & Visually Impaired
- County Welfare Agency or County Board of Social Services

You can also print a <u>registration application</u> and after entering required data, mail it to the <u>Commissioners</u> of <u>Registration office</u> in the county where you reside. In addition, this form can be used for name and address changes.

The Commissioners of Registration cannot accept faxed copies or an electronic transmission of a voter registration form since an original signature is required,

VOTER REGISTRATION & VOTING FOR COLLEGE STUDENTS

College students register to vote in New Jersey by following the standard application process: every prospective voter must submit a <u>voter registration application</u>.

You can register to vote if:

- · You are a United States citizen
- You will be 18 years of age by the next election
- You will be a resident of the State and county 30 days before the election
- You are NOT currently serving a sentence, probation or parole because of a felony conviction



If you are in college, you have the option to register from your college address or your parent's address. There are good reasons for registering and voting at either residence, but keep in mind, the final choice is yours.

The registration deadline to vote is 21 days prior to Election Day

You will receive a sample ballot about 1 week before the election that will indicate where your polling place is or you can use our polling place locator.

STATE OF DELAWARE

VOTER REGISTRATION APPLICATION and ELIGIBILITY AFFIDAVIT

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Mailing Address if different than above												
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Look on the back for information about registering to vote.

- This form has two purposes: for use by citizens to register to vote and to update their registration information.
- You may register to vote if you are: a United States Citizen; a permanent resident of Delaware; at least 18 years old on the date of the next General Election; not adjudged to be mentally incompetent; or an ex-felon who meets the requirements as specified by law according to 15 Del C. Chapter 61. If you indicate that you are not a citizen or fail to answer that question, your application will be rejected.
- If you register to vote even though you know you are not eligible, you can be fined between \$50.00 - \$200.00 or imprisoned for 30 days to two years, or both.
- The office at which you submit this application will remain confidential except as provided by law.
- The information that you provide on this application, with the exception of your Social Security Number, is public information.
- The fact that you have declined to register will remain confidential except as provided by law.
- We ask you to provide a valid Delaware Driver's License number or Delaware ID Number. If you have neither, we ask you to provide a Social Security Number.
- If you are submitting this application by mail and it is the first time you have registered in Delaware, you must submit with this application, a copy of a current and valid photo identification or a 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 provide required identification documentation, you must provide it the first time you vote in a federal election.
- Disclosure of your telephone number is voluntary.
- You should receive a polling place card once your application has been accepted. You will be
 notified by mail if your application is rejected. If you do not receive the card or other notification
 in three-four weeks, please contact the Department of Elections for your county.

IDENTIFICATION NUMBER DISCLOSURE STATEMENT

Disclosure of your driver's license number, ID number or your Social Security Number is requested so that each individual who is registered to vote is identifiable in an accurate and efficient manner. If you do not have a valid driver's license number, ID number or a Social Security Number, you will be assigned a nine (9) digit identifying number during the processing of your registration.

Your driver's license number, ID number or your Social Security Number are used as necessary for administrative purposes only relating to voting, including identifying you as a registered voter, insuring no individual is registered in more than one place, verifying addresses, verifying voting districts, and may be used for any other lawful purpose. The registration application containing your driver's license number, ID number or your Social Security Number will become part of the registration records of your county.



Study shows voters with disabilities face access barriers - USATODAY.com

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ELECTION * 12

Candidate Match Game II

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Political Ad Tracker

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Electoral Vote Tracker

Study shows voters with disabilities face access barriers

By Gregory Korte, USA TODAY

Recommend (3)

By Brian Harkin, for USA TODAY

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As many as 3.2 million Americans with disabilities are "sidelined" on Election Day despite 20 years of laws seeking to boost their access to the polls, a new study shows.

Voter turnout for people with disabilities is 11 percentage points lower than non-disabled, a number that "doesn't appear to be shrinking significantly," said Lisa Schur of Rutgers University, co-author of the study in *Social Science Quarterly*. "If we could decrease the gap — I'm not saying we could totally close it — it could affect the November election, especially if it's close," Schur said.

One problem is a motivation gap by many eligible disabled voters, who are often socially isolated and disinterested in politics. But scholars and advocates say there are still barriers for those who want to vote.

Case study: New York City, where a federal judge this week ordered the Board of Elections to do a better job to accommodate the city's more than 635,000 disabled voters.

U.S. District Judge Deborah Batts cited a litany of problems: wheelchair ramps too narrow or steep, missing handicapped entrance signs, and voting booths too close to the wall for wheelchairs to get to.

The ruling was a victory for voters such as Denise McQuade, a 64-year-old Brooklyn woman who uses a wheelchair after contracting polio at age 3. She described the ramp at her polling place as a "ski slope."

She now votes absentee, which she calls a "secondclass ballot" that forces her to cast votes before she has

Test for Alzheimer's

www.johnshopkinshealthalerts.com Free Hopkins guide has everything you need to know about Alzheimer's.

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disabledbathing.com

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Denise McQuade, 64, of Brooklyn, N.Y., had

trouble voting in 2010 because her polling place

w asn't handicapped accessible. A judge ruled

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Wednesday that the city had to better

accommodate disabled voters.

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Buy a link here

made up her mind.

The city said it inspects every precinct for accessibility on Election Day and was unaware of problems. However, the judge noted the city's own records show complaints the city never responded to.

The city's attitude was "a complete shock to us," said Jim Weisman of the United Spinal Association, one of the plaintiffs. "We entered this case thinking this is a really simple fix.

After the ruling, city attorney Stephen Kitzinger said, "We are disappointed with the decision and respectfully disagree."

The judge instructed a magistrate to work out a remedy. Weisman said his goal is a disabled coordinator in every polling place in New York City — and eventually the nation.

A Government Accountability Office report after the 2008 election found that only 27% of polling places had no obstacles for disabled voters. That's progress: The number was 16% in 2000.

Once inside the polling place, additional barriers emerge, said Jim Dickson, a disability rights advocate. "Some of the machines work well. Some of the machines are a joke — a very expensive, bad joke," he said. Accessible machines are often turned off or missing parts, and poll workers don't know how to use them.

Disabled people aren't a monolithic voting block, but generally favor a bigger role for government in health care and the economy, Schur said. Like other lower-income and less-educated voters, they skew slightly Democratic. They backed John Kerry over George W. Bush by 3 percentage points in 2004.

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72 comments



Comment



David Anthony · Top Commenter · The Ohio State University

Since they're mooching off the welfare state, they were probably going to vote Democrat anyway. That should get some bites. So it's fine if they don't vote. Bunch of lazy marxists who won't work.

Reply · 7 · Like · August 9, 2012 at 5:37pm



Michael McGuire Top Commenter

David, people like you are so very, very, sad. We, work we are educated. We just want to participate aseasily as everyone else. And, by the way probably .00000001% or less of us are Marxist, and that's probably a high estimation on the percentage but as a historian of peoplew ith disabilities I have to estimate from my research there might be 27 or 28 disabled Marxists in the United States. Or are you just using the term as a perjorative with no basis in fact? Taqik about lazy!

Reply 5 · Like · August 9, 2012 at 5:58pm



Larry Hubble · Top Commenter · Phoenix, Arizona

EVERYONE needs to be productive at something. There is no one who cannot do something. I don't buy into the idea that disabled means totally helpless.



DISABILITY
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TOPICS

ABOUT THE CENTER

People with Disabilities and Voting

What if you wanted to vote but the polling place was locked? For many of the 33.7 million Americans with disabilities of voting age, this situation is all too real. Not because polling officials are deliberately blocking disabled people from entering, but because so many polling places are inaccessible. In fact, the Federal Election Commission reports that, in violation of state and federal laws, more than 20,000 polling places across the nation are inaccessible, depriving people with disabilities of their fundamental right to vote.

This despite state and federal laws - including the Americans With Disabilities Act - which require polling places to accommodate disabled voters.

Data is scarce on the extent of the accessibility problem, but where researchers have looked, the results have not been encouraging. In 1999, the attorney general for the State of New York ran a check of polling places around the state and found many problems. A study of three upstate counties found fewer than 10 percent of polling places fully compliant with state and federal laws.

Polling booths are set in church basements or in upstairs meeting halls where there is no ramp or elevator. Or there is no disabled parking, or doorways are too narrow. All this means problems not just for people who use wheelchairs, but for people using canes or walkers too. And in most states people who are blind don't have the right to a Braille ballot; they have to bring someone along to vote for them, and might well wonder if that person is really following their instructions. It appears that a person requires sight to have the right to a secret ballot.

Studies show that people with disabilities are interested in government and public affairs and want to participate in the democratic process. But because they are often locked out of the polling booth they stay home on election day. A study by researchers Kay Schriner and Douglas Kruse shows that people with disabilities are 20 percentage points less likely than non-disabled people to vote and 10 percent less likely to register to vote.

Poll workers can sometimes deter people from voting when they question the right to vote of someone with a cognitive disability. Sometimes they believe that someone with cerebral palsy is drunk. And just as convicted felons are legally disenfranchised, many states have outmoded constitutions or statutes disenfranchising people with cognitive disabilities, using terms like "idiot" and "unsound mind." Would it matter if more people with disabilities voted? Of course, it's the fundamental right of all Americans to vote. But if people with disabilities voted at the same rate as the non-disabled, 10 million more votes would have

Overview

Links

Expert sources

Election reform legislation and access

Voting in America

Accessible voting machines

Polling sites remain inaccessible

- GAO Report details lack of access
- <u>Disabled</u>
 <u>voters sue</u>
 <u>Florida</u>
- <u>Disabled</u>
 <u>voters sue</u>
 <u>DC</u>
- Disabled voters sue CA

Studies:

- Nat'l Voter Reg. Act not being used
- <u>Disabled</u>
 <u>less likely</u>
 <u>to vote</u>
- Disabled voters liberal

been cast in the last Presidential election - a major voting bloc.

Voting is power, and measuring the size of any group's vote can significantly impact that group's political muscle. But the disability vote is not often examined. As a group, or special interest constituency, people with disabilities are invisible, not included or even identified in exit polling or post election analyses.

<u>Research</u> suggests that disability agencies are not using the National Voter Registration Act.

EXPERTS:

Kay Schriner and Douglas Kruse have conducted a number of studies about voting access and persons with disabilities.

Kay Schriner, Ph.D., Department of Political Science University of Arkansas 501-575-6417 (direct) 501-575-3356 (reception) kays@comp.uark.edu

Douglas Kruse, School of Management and Labor Relations Rutgers University 732-445-5991 dkruse@rci.rutgers.edu

The Trace R&D Center was founded in 1971. The Center, directed by Gregg Vanderheiden, currently works on ways to make consumer electronic information technologies and telecommunications systems more accessible to people with disabilities.

Gregg Vanderheiden Trace Research and Development Center (608) 263-2309 info@trace.wisc.edu

OTHER ITEMS OF INTEREST:

The following sites contain information that may be of

interest. Please bear in mind that the information at these sites is not controlled by the Center for An Accessible society. Links to these sites do not imply that the Center supports either the organizations or the views presented.

The <u>Project on Disability Politics</u> at the University of Arkansas looks at political participation of people with disabilities, voting rights laws affecting people with disabilities and disability in American campaigns and elections.

"Voters with disabilities face discrimination nationwide," A report in the November/December 2000 issue of Ragged Edge magazine

The Trace Research & Development Center's efforts to make electronic voting machines easier to use for the average citizen, our aging population and people with disabilities can be found at

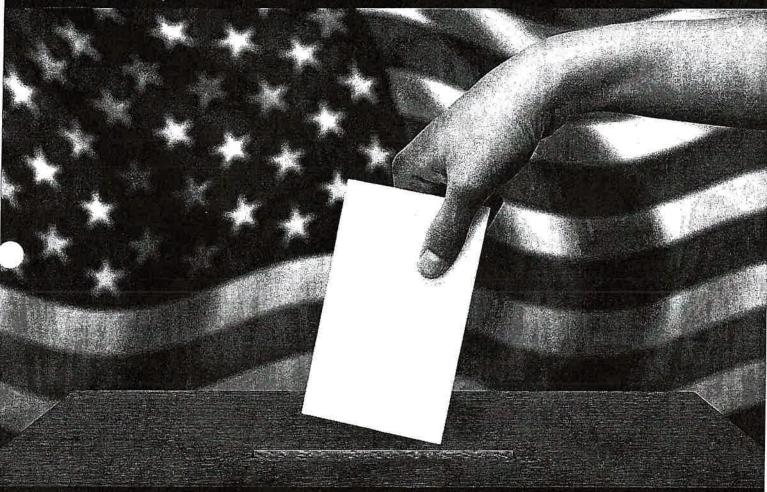
http://trace.wisc.edu/world/kiosks/ez/voting/

The National Organization on Disability's "Getting Out The Disability Vote" campaign has background and commentary http://www.nod.org/vote2000/vote2000.html

About The Center for An Accessible Society

 Experience of Voters with Disabilities in the 2012 Election Cycle

October 24, 2013





National Council on Disability

REPORT HIGHLIGHTS



"Experience of Voters with Disabilities in the 2012 Election Cycle"

BACKGROUND AND SCOPE OF REPORT

Voting is the cornerstone of democracy. For too long, people with disabilities have been in the shadows in exercising this basic civil right. The Help America Vote Act (HAVA), enacted in 2002, mandated improvements to the electoral process by establishing minimum standards for uniform and nondiscriminatory election technology and administration requirements, including, for the first time, requirements that citizens with disabilities be able to vote independently and privately. HAVA joins existing voting and disability rights laws to prohibit voter discrimination, suppression, intimidation, and denial of voting access for people with disabilities. Since 2002, HAVA has helped make voting an act of civic participation for people with disabilities; however much work remains to be done.

Using an open-ended questionnaire, NCD gathered the experiences of nearly 900 voters with disabilities across the nation during the 2012 election. On October 24, 2013, NCD released *Experience of Voters with Disabilities in the 2012 Election Cycle*. This report provides a snapshot of architectural, attitudinal, technological, legislative, and voting practice barriers that confronted voters with disabilities and provides an overview of the use of federal funds, activities, and outcomes under HAVA for people with disabilities over the past decade.

KEY FINDINGS

- People with disabilities continue to face barriers in exercising their voting rights because of architectural and physical barriers at registration and polling sites.
 - o Nearly 40% of respondents to the NCD's questionnaire encountered physical barriers at their polling places.
- Voters with disabilities do not have equal access to voting systems because states and localities
 have not invested adequate resources, planning, and training to provide reliable, accessible
 voting technology.
 - o 45% of respondents reported barriers inside the polling place involving voting machines.
- Voters with disabilities face discrimination at voter registration and polling sites resulting from poorly trained election personnel and volunteers.
 - Nearly 54% of respondents encountered barriers, including attitudinal, inside the polling place.
 - o 20% of respondents said they were prevented from exercising a private and independent vote.

KEY RECOMMENDATIONS

- State and local election officials must be held accountable for compliance with all accessibility provisions of HAVA, the ADA, and other relevant voting rights laws.
- States should upgrade their accessible voting equipment to assure universal access for people with disabilities.
- State and local election officials must invest in adequate training for all election personnel and volunteers.
- The Presidential Commission on Election Administration should adopt the recommendations made in the Experience of Voters with Disabilities report in their own report to the President later this year.

FULL REPORT

Download a free copy of the full report at: http://www.ncd.gov/publications/2013/10242013

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JANUARY 9, 2014

Improving the Voting Experience in America

CATEGORIES: Civil Rights & Voting



By Guest Biogger Clyde Terry, a Member of the National Council on Disability (NCD)

"When any American, no matter where they live or what their party, are denied [the right to vote] because they can't afford to wait for five or six or seven hours just to cast their ballot, we are betraying our ideals. So tonight, I'm announcing a nonpartisan commission to improve the voting experience in America." - President Barack Obama, State of the Union Address, February 12, 2013

Just over a month later, the President made good on his promise and the Presidential Commission on Election Administration (The Presidential Commission) was established by Executive Order on March 28, 2013. Their mission? To come up

with "common-sense, non-partisan solutions," identify best practices and issue "recommendations for state and local election officials to reduce waiting times at the polls and improve all citizens' voting experience."

The Presidential Commission was originally supposed to issue a report in December, within six months of its first meeting, but it was granted an extension until January because of the government shutdown last October. The Presidential Commission will dissolve later this month following the publication of the report they were formed to create.

As detailed in news reports, the Commission's report will cover voters' experience at the polls informed by input from customer service experts. The report is intended to be comprehensive and detail the numerous obstacles faced when attempting to vote by members of the military, overseas voters, voters with limited English proficiency, senior citizens and voters with disabilities.

With regard to voters with disabilities, what is the current status of voting access in the United States? Exact totals are difficult to come by, but according the latest available figures – and despite notable advances since enacting the Help America Vote Act in 2002 – much work still needs to be done.

At an NCD policy forum held on April 23, 2013 on Capitol Hill, former Senator Chris Dodd (D-CT) expressed the impact that the lack of accessibility had in the 2000 elections. "Twenty-one million people with disabilities did not vote," said Dodd. "That made the disabled communities the single largest demographic group of nonvoters in the United States of America. At that time, only 16 percent of polling places were physically accessible. And not one, not one of the nearly 500 polling locations which the General

Accounting Office (GAO) visited on Election Day in 2000, had special ballots adapted for blind voters."

My previous blog posted by Disability.gov in November 2012 detailed that as of 2008, a voter with a disability faced nearly a 75 percent chance that he or she would NOT be able to use his or her assigned polling precinct to vote. The GAO found in 2008 that only 27 percent of polling places were barrier–free, echoing Federal Election Commission findings from 1992 that found more than 20,000 polling places across the nation were inaccessible and in violation of state and federal laws, depriving Americans with disabilities of their fundamental right to vote.

An open-ended survey of voters with disabilities conducted by NCD just after the November 2012 election suggests that not much has changed since then. If one considers additional obstacles like long lines and inaccessible voting materials, the barriers to civic participation for voters with disabilities are even more striking.

United States Census Bureau figures suggest that the population of Americans with disabilities is now one in five between the ages of 18 and 64, totaling 56.7 million or 18.7 percent of our population. No matter how you break it down, that's a lot of people who are likely to be left out of one of the most fundamental components of the democratic process.

Factor in the number of Americans who are aging – often acquiring disabilities as they do – and the numbers increase to a whopping one in two. Of the 17 percent of voting-age Americans who are age 65 years or older, at least 36 percent identify as having a disability. This estimate does not account for the number of seniors who may have vision, mobility, hearing or cognitive impairments and who, for various reasons whether they are cultural or habitual, do not

identify as "disabled."

Add it all up and it seems fair to imagine that significant numbers of the American voting public need accessibility accommodations when voting. The Presidential Commission cannot and should not ignore those figures; they are only going to increase with advancements in health care, increased longevity and decreases in senior mortality.

So, what to do? Thankfully, there is no reason to reinvent the wheel. NCD made a series of recommendations in our report to the President about the "Experience of Voters with Disabilities" that we released in October 2013, many of which were directed to the Presidential Commission for consideration prior to the release of their report.

Among them:

NCD recommends that the Presidential Commission on Election Administration and the Election Assistance Commission (EAC) encourage state and local jurisdictions to ensure that universally designed, accessible voting machines are available, functioning and situated to provide complete privacy for voters with disabilities.

NCD also recommends that the Commission should draw on the reported experiences of voters with disabilities to improve the experience of all voters, including senior citizens.

NCD also recommended in its report that the Presidential Commission should identify and recommend promising practices related to voting processes that can enhance the experience of voters with disabilities, while protecting their rights by eliminating barriers to the electoral process. Examples of specific practices include vote-by-mail systems currently used in Oregon and the permanent absentee ballot voter status recently introduced in Connecticut.

Last February, the President ended his State of the Union speech by evoking the example of centenarian voter Desiline Victor. Said the President:

"When Desiline arrived at her polling place, she was told the wait to vote might be six hours. And as time ticked by, her concern was not with her tired body or aching feet, but whether folks like her would get to have their say. And hour after hour, a throng of people stayed in line to support her – because Desiline is 102 years old. And they erupted in cheers when she finally put on a sticker that read, "I voted."

Ms. Victor's commitment to casting her ballot is certainly commendable, that is without question. But her example highlights a larger point that's worth repeating: Desiline Victor – and millions of seniors and people with disabilities like her – should never have to face unnecessary burdens like long lines, inaccessible machines or unusable materials when trying to exercise their constitutional right to vote in the first place.

If we really want to honor Desiline Victor's commitment to democracy, the Presidential Commission should press for specific, meaningful congressional actions to make sure that the obstacles she faced, and the barriers encountered by other seniors and voters with disabilities alike, quickly become stories we read about only in history books, not as the lead story in post–election newspapers or anecdotes in high profile Presidential speeches.

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