Access: At the Polls and in Every Day Life
Access: At the Polls and in Every Day Life

The Disability Policy Seminar, Washington, DC
L. Dara Baldwin, MPA
April 25, 2018
“Here's to the extremely enthusiastic ones, the misfits, the rebels, the troublemakers, the round pegs in the square holes... the ones who see things differently -- they're not fond of rules... You can quote them, disagree with them, glorify or vilify them, but the only thing you can't do is ignore them because they change things... they push the human race forward, and while some may see them as the extremely enthusiastic ones, we see genius, because the ones who are enthusiastic enough to think that they can change the world, are the ones who do.”

-Steve Jobs
Outline for Discussion

I. NDRN – Information and History

II. Disability Rights – brief overview of federal laws (ADA)


IV. Possible next threats to ADA

V. Next steps – what can you do to help?
Today’s Presenter:

L. Dara Baldwin, MPA

• Senior Public Policy Analyst, National Disability Rights Network (NDRN)
• Based in Washington, D.C.
• Follow Personal Twitter & IG: @NJDC07

Biography
Inclusion
Justice
Fairness
opportunity
NDRN – www.ndrn.org

Take Action

Fight for the Rights of People with Disabilities

Sign up for News and Alerts
NDRN

NDRN – National Office split in three parts

Curt Decker, Executive Director

• Technical Assistance and Membership Outreach
• Legal Department & Program work
• Policy Department – Federal Legislative Policy – Team of three
  • Eric Buehlmann – Deputy Executive Director of Policy
  • Dara Baldwin – Senior Public Policy Analyst
  • Amanda Lowe – Senior Public Policy Analyst
NDRN – National Office for the P&A Network

To Learn about the P&A Network go to: See video http://www.ndrn.org/en/about/paacap-network.html

• P&A’s Federally funded program – Labor/HHS – DHHS - Administration on Community Living (ACL)

• 57 P&A’s – 1 in every state = 50; 1 in every territory = 6; and 1 specifically for the Native American community

• Eight programs – to assist with civil and human rights of PWD – PADDS; CAP; PAIMI; PAIR; PAAT; PABBS; PATBI & PAVAhttp://www.ndrn.org/en/about/paacap-network.html
• P&A serve all as long as they have a disability – not CJ, divorce, real estate lawyers but Civil Rights

• NDRN & P&A network use social justice practice of *Intersectionality* (a critical race theory) in their work (Kimerlé Crenshaw)

• People with disabilities are *ALL parts of life* and so we use this in our work – race, religions, multiple social economic statuses, sexual-orientation (LBGTQIA), incarcerated, formerly incarcerated, immigrants, refugees etc.

• The multi-marginalization and discrimination of this community – AA, Trans woman, Muslim, refugee with a disability
Disability Rights Law

History Disability Rights Laws– cont’d

• Americans with Disabilities Act of 1990 (ADA) – This is a wide-ranging civil rights law that is intended to protect against discrimination based on disability; amended in 2008 (ADAA)

• There are Five Titles to the ADA – there are no specific statutes on Transportation or Housing as there were laws implemented prior to ADA that covered discrimination (Fair Housing Act)

• Civil Rights Act of 1964 – did not include disability in the list of protected classes – like age, pregnancy - disability was added later

• Premise of the ADA – Community Integration – the inclusion of PWD in every aspect of life
Disability Rights Movement

KEEP CALM
AND
LEAD ON

© Lead On Update 2013 – www.leadonnetwork.org/wordpress
Disability Rights

• Disability Rights – History – *fascinating but lacks diversity* (see resources slide for readings etc.) LEADON Network & NDLA statement on racism and bias in disability rights community and movement (handout)

• Three “avenues” to this work

1. Paternalistic – we have to take care of PWD

2. Clinical – we have to “cure or fix” them – genetics

3. Civil and Human Rights - PWD can and should live in the community provided with supports and give opportunities to decent employment, housing and all aspects of life
Disability Rights Law

History: Disability Laws

• Architectural Barrier Act of 1968 – this created ramps, curb cuts & accessibility. PWD could get into the restaurant but could still be denied service.  

• Rehabilitation Act of 1974 – Section 504 – any entity receiving federal funding can not discriminate against PWD  

• Air Carrier Access Act of 1986 – guaranteed PWD would receive consistent and nondiscriminatory when traveling by air  
  https://en.wikipedia.org/wiki/Air_Carrier_Access_Act
PROTECT THE ADA

STOP H.R.620
Attacks on ADA - history

Attacks on ADA:

• History – 1\textsuperscript{st} ADA Notification bill introduced 2000 – roll back civil rights – read more at my personal blog (The WIYATT) https://thewiyatt.wordpress.com

• 114\textsuperscript{th} Congress – changed the name; had Democrats support; 1\textsuperscript{st} mark-up

• 115\textsuperscript{th} – 1\textsuperscript{st} time you had a bipartisan bill introduced; mark up; Dems cosponsors; House & Senate – Administration

• 1\textsuperscript{st} Time Congress weakens a Civil Right
ADA Notification Law

Title III: This title prohibits private places of public accommodation from discriminating against individuals with disabilities. (Architectural Barriers ONLY) *Not public entities (Schools, Voting booths etc.)

• ADA National Network: https://adata.org/
SHAME ON THEM.

Pete Aguilar (CA-31)  
Ami Bera (CA-07)  
Jim Cooper (TN-05)  
Luis Correa (CA-46)  
Henry Cuellar (TX-28)  
Bill Foster (IL-11)  
Scott Peters (CA-52)  
Collin Peterson (MN-07)  
Kathleen Rice (NY-04)  
Kurt Schrader (OR-05)  
Jackie Speier (CA-14)  
Norma Torres (CA-35)
Disability Rights Issues 115th

Issue of relevance – currently in the 115th Congress

Saving the ADA – other Notification bills

• What you can do:

• Talk to your community about how ADA Notification bills are wrong and will strip away your civil rights send them to CCD Save-the-ADA website to find information: [http://www.c-c-d.org/rubriques.php?rubpage=43](http://www.c-c-d.org/rubriques.php?rubpage=43)

• Call your Senators (2) weekly – tell them Do Not Support ADA Notification Laws - + State, Local officials as well

• Tell your DC offices if you senator will not commit to voting NO on ADA Notification bills (we need to know)
Resources

• **LEADON Network – Black #Disability History**

• **No Pity** by Joe Shapiro (Book on the history of the disability rights movement)

• The Nation 2017 Progressive Honor Roll: ADAPT Most Valuable Grassroots Activism

• National Disability Leadership Alliance (NDLA) **statement on racism and bias in the disability rights movement**

• 60 Minutes Segment with Ed Roberts
Resources cont’d:

• ADA training: ADA Network: ADA Basics Building Blocks – series: https://adata.org/project/ada-basic-building-blocks

• Cornell University Disability Statistics Online resource: http://www.disabilitystatistics.org/reports/acs.cfm?statistic=1


• NDRN –Our history: http://www.ndrn.org/about/26-our-history.html

• Words matter – People First Language http://odr.dc.gov/page/people-first-language
**Resources**

**Intersectionality – see information sheet**

- The term was identified in 1989 by Kimberlé Crenshaw who is an American civil rights advocate and a leading scholar of the field known as [critical race theory](http://www.aapf.org). She is a full professor at UCLA Law School and Columbia Law School and she is the Executive Director of the African American Policy Forum - [http://www.aapf.org](http://www.aapf.org)

- In September 2015 – Prof. Crenshaw wrote Washington Post article “Why Intersectionality can’t wait”

- (one of my mentors/who has become a friend) – NDRN works closely with the Professor Crenshaw & AAPF since 2014 – on multiple issue areas – but started through the #SayHerName campaign
THANK YOU

NDRN - Threats to ADA - DPS - April 2018 Dara Baldwin
Please contact me:

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The Protection & Advocacy Network: Working to Ensure the Right to Vote

KRISTINA MAJEWSKI, STAFF ATTORNEY

DISABILITY RIGHTS DC AT UNIVERSITY LEGAL SERVICES

220 I STREET NE, SUITE 130

WASHINGTON, DC 20002
What We’ll Cover

• The Protection and Advocacy Network
• The P&A for Voting Access (PAVA) Program
• Improving Voter Access
• Connecting with your State’s P&A & Other Resources
The Protection and Advocacy Network

- Each state and territory has a Protection & Advocacy (P&A) agency.
- P&A agencies are federally mandated legal organizations.
- P&A agencies have the authority to provide legal representation and other advocacy services, under federal laws, to all people with disabilities.
- The National Disability Rights Network (NDRN) is the nonprofit membership organization for the P&A programs for individuals with disabilities.
P&As and Voting Access

- The Protection & Advocacy Systems (P&As) play a crucial role in ensuring all voters with disabilities are able to cast a vote privately and independently in every Election.
- Every P&A has staff dedicated to ensuring accessibility at the polls through the Protection and Advocacy for Voting Access (PAVA) Program.
- The PAVA Program was established as part of the Help America Vote Act (HAVA) of 2002.
- Under HAVA, the P&As are specifically mandated to "ensure the full participation in the electoral process for individuals with disabilities, including registering to vote, casting a vote and accessing polling places." P&As can fulfill this mandate in different ways.
The Help America Vote Act

- The Help America Vote Act (HAVA) was passed in 2002 to protect the voting rights of people with disabilities.

- HAVA requires:
  - at least one voting machine at each polling place that is accessible for people who have visual or mobility disabilities;
  - full barrier-free access to polling places to enable people with disabilities to cast their votes privately as voters without disabilities do; and
  - ballots in multiple languages.
P&A Activities under the PAVA Program

- Activities under the PAVA Program, include:
  - Helping individuals register to vote (e.g. hosting voter registration drives)
  - Educating voters about their right to vote independently
  - Surveying the polls for accessibility prior to and on Election Day
  - Reporting access barriers to the Board of Elections and Election Protection Hotline
  - Working collaboratively with election officials to ensure equipment is accessible
  - Ensuring accessibility of voter outreach materials, including websites and applications
  - It’s important to note: PAVA Program Funds cannot be used for litigation
Disability Rights DC: Voting Access Surveys

- DRDC is the P&A agency for DC (independent, non-profit organization)
- As the P&A, DRDC protects and advocates for the rights of people with disabilities to access the polls on Election Day (and during early voting).
- Our goal is to ensure and promote 100% accessibility for voters with disabilities.
- Since 2004, DRDC, with the help of a large cohort of volunteers, has surveyed polling precincts during federal and DC elections.
- DRDC collects and analyzes the surveys, and based on our findings issues a written report on polling place accessibility which it distributes to the DC Board of Elections and City Council.
Prevalent Barriers to Voting Identified

- Physical barriers (i.e. steps, steep and uneven ramps, obstructed pathways, narrow and/or closed heavy doors)
- Inaccessible voting machines and ballots
- Lack of privacy
- Misinformation about voter eligibility
  - For instance, eligibility depend on your state Election laws, but generally, an individual is not excluded from voting if (s)he has a guardian (unless the Court specifically takes away the right to vote in the guardianship order), is a resident of a nursing home, is homeless, or was formerly incarcerated).
Know Your Voting Rights

- If you are a person with a disability, you have the right to:
  - vote at an actual polling site (Election officials must not force people with disabilities to vote curbside or via absentee ballots);
  - vote privately and independently;
  - register to vote (depending on your state or territory, you can vote by mail, online, or in-person on Election Day);
  - request an absentee ballot online or by mail at least 7 days (in DC) before Election Day;
  - accessible communications from the Board of Elections for people with visual disabilities.
Who to Contact for Help

- Your local P&A Office:
  - To connect with the P&A office in your state or territory, you can go to NRDN’s website for contact information: [http://www.ndrn.org/ndrn-member-agencies.html](http://www.ndrn.org/ndrn-member-agencies.html)

- The Election Protection hotline (866-OUR-VOTE)

- Your state or territory’s Board of Elections
Resources

- NDRN Election Center – check out the new Voting in Real Life Blog

- National Association of Secretaries of State
  - [http://www.nass.org/can-i-vote](http://www.nass.org/can-i-vote)

- U.S. Election Assistance Commission

- The National Technical Assistance Center for Voting and Cognitive Access
  - [http://www.sabeusa.org/govoter/](http://www.sabeusa.org/govoter/)
Please Contact Us with Questions!

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Register! Educate! Vote! Use your Power!

REV UP!
MAKE THE DISABILITY VOTE COUNT

Disability Policy Seminar April 24, 2018
REV UP Campaign Overview

• The REV UP Campaign, which launched in early 2016, is a nonpartisan initiative of the American Association of People with Disabilities (AAPD) that aims to increase the political power of the disability community while also engaging candidates and the media.

• REV UP stands for Register! Educate! Vote! Use your Power!

• REV UP focuses on voter registration, education, and engagement.

www.aapd.com/REVUP
Why REV UP & Voting Work is Important

• Elected officials pay attention to people and groups with power. Power comes in two forms: money and votes.

• The disability community has the potential to become a powerful voting bloc – there were **35.4 million eligible voters** with disabilities in 2016 (about 1/6 of the electorate); when we include our family members in the same household that number jumps to **62.7 million eligible voters** (about ¼ of the total electorate)

www.aapd.com/REVUP
Why REV UP & Voting Work is Important (cont.)

THE RIPPLE EFFECT OF THE DISABILITY VOTE
Statistics on Disability Voter Turnout

• **16 million people** with disabilities voted in the November 2016 elections.

• Voter turnout of people with disabilities was **6% lower** than people without disabilities.

• Voter registration of people with disabilities was **2% lower** than people without disabilities.

• If people with disabilities voted at the same rate as people without disabilities there would have been **2.2 million more votes** cast.

AAPD REV UP Website, Statistics & Data
How to Get Involved

• Join or start a REV UP State Disability Voting Coalition

  • Work with state and local disability or civic organizations to promote voter registration, education, and engagement

  • Participate in National Disability Voter Registration Week, National Voter Registration Day, and Get Out The Vote efforts

• Connect with the national REV UP Campaign

www.aapd.com/REVUP
How to Get Involved (cont.)

• Participate in National Disability Voter Registration Week: *July 16-20, 2018*
  • Organize a voter registration event yourself or partner with another organization to host an event
  • Promote the week through email and social media
  • Issue a press release to local and state media
  • Host a voting rights training or a demo of an accessible voting machine
  • Ask state and local government to officially declare the week as National Disability Voter Registration Week
• Use the **NDVRW Toolkit** provided by the REV UP Campaign

[www.aapd.com/REVUP](http://www.aapd.com/REVUP)
How to Get Involved (cont.)

• Incorporate voter registration into existing service provision
• Organize a voter rights training or a demo of an accessible voting machine
• Send out a candidate questionnaire (use our Candidate Questionnaire Template)
• Organize or encourage participation in a candidate forum (use our Candidate Forum Guide)
• Conduct polling place accessibility surveys to identify and fix barriers
• Activate your email and social media networks to share information on the upcoming election and voter registration deadlines
• Gather and share data on voter registration and engagement efforts

www.aapd.com/REVUP
What Other States have Done

Arizona
• The Disability Resource and Advocacy Center hosted a mock election for people with disabilities to help them prepare to vote in the real election. Staff took participants through the voting process and conducted voter registration.

California
• The Marin Center for Independent Living partnered with the local library system and the Marin County Elections Department hosted 17 events at the CIL office, local libraries, and the elections department office during National Disability Voter Registration Week 2017.

New Jersey
• REV UP NJ and the Alliance Center for Independent Living hosted a rally and voter registration event at the statehouse as part of NDVRW 2017. The event included live entertainment, voter registration, prominent speakers, resource tables and giveaways.

www.aapd.com/REVUP
What Other States have Done (cont.)

New York
• Disability Rights New York organized three voter rights presentations and six voter registration drives in partnership with their local libraries and Self Advocates of New York during NDVRW.

Texas
• REV UP Texas hosted an Issues Forum in 2016, which attracted 300 attendees and was broadcast statewide on a livestream. The event was co-sponsored by 50 state and local organizations
• Candidate Town Hall with Jill Stein during 2016 election (reached out to other candidates as well)

Utah
• The Disability Law Center of Utah provided voter registration to a local veterans home and a local nursing home.

www.aapd.com/REVUP
Questions?

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www.aapd.com/REVUP