

People with Disabilities in Delaware Have the Right to Vote

Everyone wants to vote, including voters with disabilities. If you are a voter with a disability, you should know your rights. Knowing your rights will help make sure you can vote. **Take this piece of paper with you when you go to vote so you will know what your rights are.**

You can also show this to others if you run into any problems. This paper tells poll workers where to find the laws that protect your right to vote!

You *do* have the right to vote!

If you are a person with a disability and understand what it means to vote, federal law protects your right to vote. In Delaware, only a judge can remove the right of a person with a disability to vote; the judge can only do this in a written court order that says that a person's mental disability prevents the person's use of basic voting judgment. If you do not have a court order that says this, no one can stop you from voting because of your disability!

⇒ The laws that protect that right: The Constitution and the Americans with Disabilities Act, 42 U.S.C. § 12132; *Doe v. Rowe*, 156 F.Supp.2d 35 (D.Me.2001); 15 Del. C. § 1701.

You have the right to get help from a person *you* choose.

- If you can't read or need help voting because of your disability, you can have someone help you vote.
- You can bring a friend, family member or someone else you trust to help you (but that person can't be your employer or someone in your labor union).
- You can ask the poll workers to help you if you didn't bring anyone with you.

⇒ The law that gives you that right: The Voting Rights Act, 42 U.S.C. §§1973aa-6; The Americans with Disabilities Act, 42 U.S.C. § 12132; 15 Del. Code § 4943.

You have the right to have your polling place and voting process be accessible

By law Delaware polling sites must be accessible. This includes reaching and entering the voting site, and offering a voting machine with helpful features. Polling places may have to change things they do, like allowing you to sign with an X or stamp, having someone help you with forms, or guiding you to where to go.

⇒ The laws that give you that right: The Americans with Disabilities Act, 42 U.S.C. § 12132; 42 U.S.C. § 12182; 15 Del. C. § 4512(b).

If you have a problem, get help by calling 1-866-OUR-VOTE or 1-302-575-0690

Lawyers are available to give voters with disabilities and other voters advice and help with voting problems, so call 1-866-OUR-VOTE (1-866-687-8683). In Delaware, call the Disabilities Law Program at 1-302-575-0690 or 800-292-7980 (toll free).

The law says *everyone* gets to cast a ballot, so don't leave without voting!

Even if someone says you cannot vote, the law says that for federal elections (President, U.S. Congress, etc.) the poll worker must allow you to vote by a special ballot called a Provisional Ballot. Later, an election worker will decide whether you are allowed to vote in the election. If you are, your vote will be counted.

⇒ The law that gives you that right: The Help America Vote Act, 42 U.S.C. § 15482; 15 Del. Code § 4948.



Disabilities Law Program- Delaware's Protection and Advocacy System
Community Legal Aid Society, Inc.
100 W. 10th Street Suite 801, Wilmington, DE 19801
(302) 575-0660; (302) 575-0696 (TTY)
www.declasi.org

