

**A PROJECT OF THE
DISABILITIES LAW PROGRAM
COMMUNITY LEGAL AID SOCIETY, INC.**



Transition to Adulthood:
What you need to know as an individual with a disability.

Voting Rights

for Delaware Transition-Age Youth and their Families



**MADE POSSIBLE WITH SUPPORT
FROM THE DELAWARE
DEVELOPMENTAL DISABILITIES
COUNCIL**



Introduction

The transition from childhood to adulthood can be both exciting and challenging. There are many things to keep in mind as you (or your child) approach adulthood. While it is never too late to plan for the future, we recommend that you start thinking about and preparing for the transition to adulthood early in the teenage years.

This guide provides information to help you learn to advocate for yourself. It provides an overview of voting rights in Delaware. This guide does not cover every topic related to voting rights that you might encounter, but is here to offer you some insight into some common issues. Each individual's situation is unique and this guide is not intended to constitute legal advice on your specific circumstances.

Please use this table of contents to navigate to sections of this guide that are of interest to you:

Table of Contents

1. The Importance of Voting	4
2. Voting Rights	5
<i>a. Delaware Voter Requirements—Who Can Vote.....</i>	<i>5</i>
1) Voting Rights of Individuals with Mental Disabilities; Individuals with Legal Guardians	5
2) Voting and Criminal Convictions	6
<i>b. Federal Voting Rights Laws</i>	<i>6</i>
1) Help America Vote Act of 2002	7
2) Voting Rights Act of 1965	8
3) Voting Accessibility for the Elderly and Handicapped Act of 1984	8
4) Americans with Disabilities Act of 1990	9
A. State and Local Governments (Title II)	9
B. Public Accommodations (Title III)	10
3. Registering to Vote	11
<i>a. Individuals who are homeless or without a fixed residence</i>	<i>12</i>
<i>b. Registering as a member of a political party</i>	<i>12</i>
<i>c. If you move</i>	<i>12</i>
4. Absentee Ballots	12
5. Election Day—Basic Information	15
<i>a. Polling place hours and locations</i>	<i>15</i>
<i>b. Identification</i>	<i>15</i>
6. ivote.de.gov	16
7. Accessibility and Accommodations on Election Day	17
<i>a. Polling Place Accessibility</i>	<i>17</i>
<i>b. Assistance in the Polls</i>	<i>18</i>
1) Voters with physical or mobility disabilities	18
2) Voters with cognitive and intellectual disabilities	18
3) Voters with visual, hearing, / communication disabilities..	19
4) Voters with service animals	19
5) Voters who desire assistance by another person	20
8. Remedies if You are Denied the Right to Vote	20
<i>a. Provisional ballots</i>	<i>20</i>
<i>b. Filing an Administrative Complaint</i>	<i>21</i>
<i>c. Where to get legal help if you are denied the right to vote</i>	<i>22</i>
9. More Information.....	23
10. Contact information for Community Legal Aid Society, Inc.	28

The Importance of Voting

Voting is one of the most basic American rights... and responsibilities. The President, U.S. Congress members, the Governor, State legislators, mayors, local school board members, and other officials are chosen by voters. You can vote for the people whose positions you most agree with on issues that are important to you. Voting gives you a "say" in who is elected. Elected officials make laws and policies that affect your life. Voting is a way to make your voice heard and for you to express your opinions, and to influence who is making those important laws and policies.

If you do not vote, you are letting others make decisions without you getting a "say" in what they decide. People with disabilities tend to have more contact with the law than those without disabilities, whether it is because they may need the protections of anti-discrimination laws, special education law, or public benefits for people with disabilities (like Social Security Disability, SSI, or Medicaid). This means that people with disabilities have even more reasons to participate in the voting process!

Across the country, however, people with disabilities have often not cast their ballots – because polling places are not accessible, because of discriminatory practices, because they (wrongly) think they cannot vote because of their disability, or because they do not think their vote will make a difference.

According to a study done on the 2012 elections, people with disabilities voted at a rate that was 5.7 percentage points lower than that of people without disabilities.¹ This means that if people with disabilities voted at the same rate as people without disabilities there would be 3 MILLION more voters with disabilities!² Imagine what a difference 3

¹ Schur et al. (Rutgers RAAV team), Disability, Voter Turnout, and Voting Difficulties in the 2012 Elections, (July 18, 2013), available at <http://www.accessiblevoting.org/>.

² Id.

million people can make – and remember that when it is time to register to vote and to cast your ballot!

This guide will educate you about your voting rights and what to do if you are denied your right to vote or if your polling place is not accessible to you.

Voting Rights

Delaware Voter Requirements – Who Can Vote

You can vote in Delaware if:

- You are a resident of Delaware
- You are a U.S. citizen
- You are at least 18 years old on or before Election Day (you can register before you turn 18 if you will be 18 on Election Day!!!)
- You are registered to vote
- A court has not taken away your right to vote because of a mental disability (more on this below)
- You have not been convicted of a felony in certain circumstances (see Voting and Criminal Convictions, below).

Voting Rights of Individuals with Mental Disabilities; Individuals with Legal Guardians

In Delaware, individuals with mental disabilities and those with legal guardians have a right to vote just like everyone else.³ Only a judge can remove the right of a person with a disability to vote based on a written order that clearly states that the person's mental disability prevents the person's use of basic voting judgment. Unless a judge has put this in a court order about you (and you meet the other eligibility requirements), you can vote!

³ 15 Del. C. § 1701. See the section, above, called Delaware Voter Requirements – Who Can Vote, for a full list of voter requirements.

Voting and Criminal Convictions

If you are convicted of a misdemeanor or other minor offense, or you are convicted of a delinquency charge as a juvenile, your right to vote is not affected. Under Delaware law, only some convicted felons are not permitted to vote. Individuals convicted of any of the following felonies cannot vote:

- Murder or manslaughter (except vehicular homicide)
- Any felony constituting an offense against public administration involving bribery or improper influence or abuse of office, or any similar offense under the laws of any state or local jurisdiction or U.S. federal law
- Sexual offenses, or any similar offense under the laws of any state or local jurisdiction or U.S. federal law

In Delaware, other individuals convicted of felonies not listed above may vote when they are pardoned or their sentence is completed (meaning, you have finished serving your time incarcerated, or on probation, parole, or suspension, and you have paid any restitution or fines you may owe).⁴

Federal Voting Rights Laws⁵

⁴ Previously, there was a 5 year waiting period before eligible felons (felons convicted of crimes NOT including murder, manslaughter (except vehicular homicide), offenses against public administration involving bribery or improper influence/abuse of office, or sexual offenses) could have their right to vote restored. In 2013 the Hazel D. Plant Voter Registration Act removed the 5 year waiting period from the Delaware Constitution. While this Act changed the Delaware Constitution it did not change the State statute (the law) which still contains this 5 year waiting period (15 Del. C. §6103(c)). However, the Office of the State Election Commissioner reports that it no longer is considering the 5 year waiting period to restore voting rights for eligible felons (private communication with the Election Commissioner, August 25, 2014).

⁵ Information in this section is summarized in large part from the Protection and Advocacy for Voting Access (PAVA) Handbook and Training Manual, National Disability Rights Network (2012).
Commissioner, August 25, 2014).

Because voting is such an important right, there are federal laws that protect that right for people with disabilities and prohibit discrimination against individuals with disabilities exercising their right to vote. Below is a summary of some of the important federal voting laws that apply to people with disabilities.

Help America Vote Act of 2002

Among other things, the Help America Vote Act⁶ (HAVA) of 2002 addresses obstacles for voters with disabilities. HAVA:

- Provides funding for:
 - ⇒ accessibility grants to states and local governments to improve the voting process and polling place accessibility;
 - ⇒ research on accessible voting technology; &
 - ⇒ the Protection and Advocacy for Voting Access (PAVA) program, which provides independent authority for designated agencies, for making sure that individuals with disabilities can fully participate in the fully process:
 - * There is a PAVA program in each state;
 - * The Disabilities Law Program of Community Legal Aid Society, Inc. is the PAVA program here in Delaware.
- Sets minimum standards for the accessibility in voting systems.
- Requires each polling place to have at least one voting system that is accessible for voters with disabilities. The system must provide an equal opportunity for voters with disabilities to vote

⁶ 42 U.S.C. § 15301 et seq.

privately and independently. This requirement is just for federal elections.

- Requires states to include people with disabilities in its HAVA State Plan planning committee.
- Establishes a state-based administrative complaint procedure to address grievances under HAVA.
- Authorizes the U.S. Department of Justice to sue in court for HAVA violations.

Voting Rights Act of 1965⁷

The Voting Rights Act controls federal election procedures. It requires that standards or tests for determining whether someone is qualified to vote must be applied equally to all voters. This law also guarantees the right of individuals with disabilities to have voting assistance from the person of their choosing (so long as the person helping is not their employer or agent of their employer or union).⁸

Voting Accessibility for the Elderly and Handicapped Act of 1984

The Voting Accessibility for the Elderly and Handicapped Act (VAEHA) requires that government agencies conducting elections make sure that polling places (for federal elections) are accessible to elderly

⁷ You may have heard that part of the Voting Rights Act of 1964 was struck down by the U.S. Supreme Court, meaning the Supreme Court found that **part** of the Act was illegal. This is true: the Supreme Court issued a decision in 2013 called Shelby County v. Holder, finding two provisions of this law unconstitutional. Those provisions related to certain states and local governments who were, prior to the Supreme Court's decision, required to obtain "preclearance" or advanced permission before making changes to their voting laws or practices, because they had a history of discriminating. Because of the Supreme Court's decision these states and local governments are no longer required to obtain preclearance.

⁸ 42 U.S.C. § § 1973aa-6.

voters and voters with disabilities. There are two exceptions to this requirement:

- 1) Emergencies; and
- 2) When all potential polling places have been surveyed and there is no accessible place available, and one cannot be temporarily made available in the area.

If a voter with a disability is assigned to an inaccessible voting place, and if the voter requests it in advance, he must be assigned to an accessible polling place or be provided with an alternative means for voting on Election Day.

The VAEHA also makes absentee voting (when you do not vote in person, but rather mail in your ballot) more accessible and provides for some voting aids at the polling places.

Americans with Disabilities Act of 1990

The Americans with Disabilities Act (ADA) applies to both federal and state elections. The ADA has two different parts that apply to voting, discussed below.

State & Local Government (Title II)

Title II of the ADA and its regulations⁹ require that people with disabilities have access to voting. State and local government entities must make reasonable modifications in policies, practices, or procedures to avoid discriminating against people with disabilities. People with disabilities may not, because of their disabilities, be excluded from participating in voting or be denied the benefits of voting. State and local governments can comply with these provisions of Title II by redesigning equipment, reassigning services to accessible buildings or alternative accessible sites, altering existing facilities, or

⁹ 42 U.S.C. § 12131 et seq.; 28 C.F.R. Part 35.

constructing new ones. There are some exceptions, such as for historic sites, fundamental alterations to the nature of a service (making serious changes to the reason or goals of a program), or because of undue financial and administrative burdens. Structural changes to an existing building are not required when there are other ways of being ADA compliant. State and local governments must try to choose compliance methods that offer the most integrated settings appropriate.

Title II also requires state and local governments to make reasonable modifications to their rules, policies, or practices to make sure that they are not discriminating. Courts have found that the ADA does not require every polling place to be accessible to people with mobility impairments, that people with disabilities are not guaranteed privacy in voting, and that voters who are blind are not guaranteed the right to cast their vote independently, under the ADA.¹⁰ However, **in Delaware, we have a state law that requires that all polling places be accessible** (and this accessibility is NOT limited to people with mobility impairments)!¹¹

Public Accommodations (Title III)

Title III¹² of the ADA and its regulations also requires that people with disabilities have access to voting. The difference is that Title III applies to places that are called places of "public accommodation" (while Title II covers state and local governments). Places of "public accommodation" include places such as private schools and recreation centers.¹³

¹⁰ See e.g., Nelson v. Miller, 170 F.3d 641, 649-50 (6th Cir. 1999); American Ass'n of People with Disabilities v. Shelley, 324 F.Supp.2d 1120, 1126 (C.D.Cal.2004).

¹¹ 15 Del. C. § 4512(b). See also, Voting in Delaware, A Guide for Citizens with Disabilities, pg. 9 (available at <http://elections.delaware.gov/voter/pdfs/Voting%20in%20Delaware.pdf>).

¹² 42 U.S.C. § 12181 et seq.; 28 C.F.R. Part 36.

¹³ Private clubs and religious organizations are generally exempted.

These places may be used as polling places.

Under Title III, public accommodations must make reasonable modifications in policies, practices, or procedures to facilitate access for individuals with disabilities. They are also required to remove physical barriers to existing buildings when it is "readily achievable" (in other words, it is something that would not be too hard for them to do and would not be too expensive given their resources). If a physical (architectural) barrier cannot be easily removed, the place of public accommodation may use another way to make the building accessible. New construction by public accommodations must be readily accessible; alterations to existing buildings are required to the maximum extent it is feasible to be readily accessible to people with disabilities.

Registering to Vote

Register to vote as soon as you turn 18 (or before, if you will be 18 on the date of the next General Election) if you want to exercise this important right!

You can register to vote:

- At any Department of Elections Office for your county¹⁴;
- At a mobile registration site;
- By calling an Elections Office and have a registration form mailed to you;
- At the Motor Vehicle Office or a Social Service Office; or
- Online at: <https://ivote.de.gov/>.

¹⁴ Historically, Delaware has had a county board of election for each of the three counties. As of July 1, 2015, the three separate county boards will be made into one single state board of election. However, there will continue to be a Department of Elections office in each county. See HS 1 for HB 302 w/HA 1 (147th General Assembly, signed June 26, 2014).

Individuals who are homeless or without a fixed residence

If you are homeless or otherwise do not have a fixed residence you may use the address of a shelter or agency. You will need to submit, in addition to the proper registration forms, two pieces of identification containing your name. One of these pieces of identification must include the mailing address you used on your application (this can be a shelter or agency address). See more about identification, below.

Registering as a member of a political party

You can register as a:

- Democrat
- Republican
- Independent
- Other

Only people registered as Democrats can vote in Democratic primaries. Only people registered as Republicans can vote in Republican primaries.

If you move

You must update your voter registration. You can do this by contacting the Department of Elections for your county, or online at <https://ivote.de.gov/>.

Absentee Ballots

Absentee ballots are a system of voting through ballots that are mailed or sent electronically prior to Election Day.¹⁵ Absentee voting can make it easier for some people with disabilities to vote. For example in Delaware,¹⁶ some of the reasons you can

¹⁵ 15 Del. C. § 5503.

¹⁶ The Delaware absentee ballot laws can be found at 15 Del. C. § 5501 et seq.

vote by absentee ballot include the following (note: not every reason is listed here):

- 1) You are sick or temporarily or permanently physically disabled;
- 2) You are providing care to your parent/spouse/child who is living at home and who requires constant care; or
- 3) Due to the nature of your business or occupation. Good to know: this includes students! If you are not able to go vote in person because of being away for college, you can vote by absentee ballot.**

Sometimes the rules and practices around absentee voting can be a barrier for people with disabilities. For example, a requirement that you get your absentee ballot or application notarized would be an extra burden for people with disabilities. Because of this concern, under the Voting Accessibility for the Elderly and Handicapped Act of 1984 ("VAEHA"), it is illegal for there to be a notarization or medical certification requirement for a voter with a disability to vote by absentee ballot.¹⁷

In Delaware absentee ballot applications (also called absentee ballot affidavits) must be notarized in certain situations, but having a disability or illness is NOT one of those reasons, which is what the VAEHA requires. Similarly, if your business or occupation is providing care to your parent, spouse or child who is living at home and requires constant care, you do not have to have your affidavit notarized. In both of these situations you can swear or affirm it yourself, without a notary.

¹⁷ 42 U.S.C. § 1973ee. However, there are two exceptions to this:

- 1) States can require a medical certification to establish eligibility for a PERMANENT absentee ballot; or
- 2) States can require such a certification to apply for an absentee ballot after the deadline has passed.

It is important to know that if you do not indicate the election or elections that you are requesting an absentee ballot for, on your application, it is assumed that you are asking only for the next scheduled election you are eligible to vote in. However, if you are requesting an absentee ballot for certain reasons, such as because of illness or disability, then the Department of Elections assumes that you want to vote absentee for all of the elections in the entire calendar year (unless you say otherwise on the affidavit).

You should also know that Delaware does allow permanent absentee ballots; unlike in some other places there is no requirement for a medical certification for a permanent absentee ballot in Delaware. There is a box you can check on the affidavit if you would like to permanently vote by absentee ballot, meaning the Department of Elections automatically sends you an absentee ballot for every election you are eligible to vote in.

You can complete an affidavit to apply for an absentee ballot, or check the status of your affidavit, and check whether your absentee ballot was received and counted here: <https://ivote.de.gov/>.

You can download a paper copy, or access an electronic form, of the absentee ballot affidavit at: <http://elections.delaware.gov/voter/absenteeballot.shtml>

For more information:

- Visit the Office of the State Election Commissioner's webpage on absentee voting: <http://elections.delaware.gov/voter/absenteeballot.shtml>; or
- Download the Office of the State Election Commissioner's absentee voting brochure: <http://elections.delaware.gov/voter/pdfs/absentee.pdf>.

ELECTION DAY—BASIC INFORMATION

Polling Place Hours and Locations

Polls are open from 7 AM to 8 PM. The dates of elections change from year to year. You can view the current election year calendar at <http://elections.delaware.gov/index.shtml>.

You can find your polling place at <https://ivote.de.gov/>. You can find polling place maps at <http://elections.delaware.gov/pollingplaces/index.shtml>.

Identification

Generally, you do not have to show identification to vote in Delaware except if you registered by mail and it is your first time voting.¹⁸ If you register by mail, you must provide verification of your name and address with a copy of one of the following:

- a current and valid photo identification
- a current utility bill
- bank statement
- government check or paycheck
- or other government document that shows the name and address

If you do not include a copy of the required identification with your registration application, then you will have to provide a valid photo ID, or one of the other ID documents listed above, before you vote for the first time. If you do not show the required ID at the polling place, you can still vote by provisional ballot (you will have to complete an Affidavit of Affirmation of Voter Identity). Another way for you to satisfy the identification requirement is by submitting a voter registration application through a place like the Division of Motor Vehicles.

¹⁸ Some municipal elections require you show ID.

If you register to vote by mail and vote by absentee ballot for the first time, you must submit a copy of one of the required identification documents, above, with your absentee ballot. If you do not submit identification with your absentee ballot YOUR VOTE WILL NOT BE COUNTED.¹⁹

The identification requirements do not apply if you submitted your driver's license number, State ID card number, or social security number, which the Department of Elections is able to verify using existing state identification records. These ID requirements also do not apply to service members and their families and residing outside the U.S.

If you are homeless or otherwise do not have a fixed residence you will need to provide two pieces of identification containing your name. One of these pieces of identification must include the mailing address you used on your application, which can be a shelter or agency address.

ivote.de.gov

Visit Delaware's online voter portal <https://ivote.de.gov/> to:

- Check if you are registered to vote
- Register to vote
- Update your voter registration
- Check the status of your voter registration application
- Find your polling place (where you vote on election day)
- Get a copy of your polling place card

¹⁹ 15 Del. C. § 2033.

-
- View what will be on your ballot
 - Find out your representatives
 - Apply for an absentee ballot
 - Check if your absentee ballot affidavit was received
 - Check if your absentee ballot was received and counted
 - Check if your provisional ballot was counted
-

Accessibility and Accommodations on Election Day

Polling Place Accessibility

Your polling place should have:

- Accessible parking
- Accessible passenger drop-off areas
- Walkways wide enough for a wheelchair or walker, and that are free of debris, snow, or ice
- Signs that clearly point you to the accessible entrance
- Magnifying devices
- Seating for voters who need it while waiting
- Doors that have levers or push bar handles (or that are propped open)
- Doors on the accessible route that are unlocked and can be opened by you
- Pathway inside the polling place that does not have objects in your way
- Doors, hallways and voting areas that are wide enough for your wheelchair or walker
- Permanent or temporary ramps where needed
- Elevators in working condition where applicable

If you would like to learn more about polling place accessibility, the U.S. Department of Justice's ADA

website has a helpful checklist that goes into details about physical accessibility standards. You can view or download the guide at <http://www.ada.gov/votingck.htm>.

The checklist is based on the requirements from the ADA Standards for Accessible Design, which can be downloaded or viewed at <http://www.ada.gov/regs2010/2010ADASTandards/2010ADASTandards.htm>. The Standards are based on the requirements found in federal ADA regulations.

Assistance in the Polls

Voters with physical or mobility disabilities

You can request assistance with:

- Filling out paperwork
- Adjusting the voting machine (such as bringing it down to your wheelchair)
- Removing barriers from your path
- Opening doors
- Being provided seating as needed
- Moving to the front of the line if feasible (and necessary)

Voters with cognitive and intellectual disabilities

You can request assistance with:

- Simplifying the steps to casting a ballot
- Understanding how the voting machine works
- Reading the ballot
- You may bring completed sample ballots to help you remember your selection
- Communicating, including:
 - * Communication board
 - * Voter-owned communication boxes
 - * Voter's choice of companion or assistant to help the voter communicate

Voters with visual, hearing, or communication disabilities

You can request assistance with:

- Changing the color contrast on the voting machine (if applicable)
- Using the audio headset on the voting machine (which includes headphones so you can hear the ballot)
- Being helped with where to go
- Tactile markers on voting machines
- Materials in large print (if available)
- Magnifying Lenses
- Signature guides to help you sign your name
- Communicating, including:
 - * Communication boards
 - * Voter-owned communication boxes
 - * Voter’s choice of companion or assistant to help the voter communicate²⁰

Most election materials, announcements and forms are available at www.elections.delaware.gov and/or <https://ivote.de.gov/>.

Delaware also has a free TDD relay service, which you can use to obtain election and voting information. Call “711” and give the operator the toll free help line number for the County from which you are calling:

- New Castle County 577- 3000
- Kent County 800-464-4357
- Sussex County 800-464-4357
- Outside Delaware 800-273-9500

Voters with service animals

Your service dog or miniature horse can assist you at the polling place.

²⁰ See Voters who desire assistance by another person, below.

Voters who desire assistance by another person

Any voter who requires assistance because of blindness, disability, or inability to read or write may be given assistance by a person of the voter’s choice.²¹ However, you cannot use an employer, agent of your employer, or union representative (if the voter is a member of a union). If you need assistance but do not choose to bring someone with you to the polls, you may be given assistance by poll workers (you will be provided assistance by two poll workers, each of opposite parties). Remember – your helper must respect YOUR choices.

Remedies if you are denied the right to vote

Provisional Ballots

Under HAVA, if your name does not appear on the voter rolls, you must be provided with a provisional ballot. This provisional ballot requirement only applies to elections for federal offices (President, U.S. Congress, etc.). Provisional ballots only count if election officials are able to establish your voting eligibility. Provision ballots are available for federal

²¹ 15 Del. C. § 4943(a). For federal elections, see also: 42 U.S.C. § § 1973aa-6. However, there is some contrary state law that provides a criminal penalty for anyone entering the voting room with a voter who is not the voter’s minor child, State Election Commissioner/Department of Elections employees, political challengers, etc. (15 Del. C. §§ 5117, 4933, and 4937). Importantly, **according to the State Election Commissioner, they are not enforcing this provision** with respect to individuals who need assistance in the voting booth (private communication with the Election Commissioner, September 26, 2014). Such assistance was authorized by 15 Del. C. § 4943(a) and it was a mistake in legislative drafting that this was not made an exception for the purposes of the criminal penalty in section 5117. **Office of the State Election Commissioner materials specifically state that you can have assistance from anyone of your choice** (other than employers and union representatives). See *Voting in Delaware: A Guide for Citizens with Disabilities*, pg. 11 (available at <http://elections.delaware.gov/voter/pdfs/Voting%20in%20Delaware.pdf>).

offices only; there are no provisional ballots for state offices.

Filing an Administrative Complaint

If you experience a problem with voting you can file a formal complaint by submitting a complaint to the Commissioner of Elections or any of the county Department of Elections offices:

OFFICE OF THE STATE ELECTION COMMISSIONER
905 S. Governors Ave, Suite 170
Dover DE 19904

The Department of Elections for New Castle County
Carvel State Office Building, 4th Floor
820 North French Street
Wilmington, DE 19801

The Department of Elections for Kent County
100 Enterprise Place
Suite 5
Dover DE 19904

The Department of Elections for Sussex County
119 N. Race Street
P.O. Box 457
Georgetown DE 19947

Your complaint must be:

- In writing
- Sworn and signed; and
- Notarized.

You may request a hearing in your complaint, otherwise your complaint will be investigated without you needing to be present.

The Election Commissioner will appoint someone to examine your complaint and gather information needed to see if there was a violation of

Remedies if you are denied the right to vote Cont.

voting laws or regulations. If the investigator finds that a **violation occurred**, the investigator will report this and recommend a way to fix the problem to the Commissioner. The Commissioner can accept the proposed solution, reject it, or modify it. If the investigator finds **no violation** then your complaint will be dismissed. The Commissioner will make a final decision on your complaint within 90 days of receiving the complaint. If this deadline is not met then the Commissioner must ensure that the complaint is resolved within 60 days using alternative dispute resolution procedures (such as mediation or arbitration). If this happens, you will have access to all existing materials.

All investigations and resolutions will be published (meaning you and other members of the public can access them).

You can learn more about the complaint procedure by:

- Visiting <http://elections.delaware.gov/voter/complaints.shtml>; or
- Downloading the Office of the State Election Commissioner's brochure on filing administrative complaints: http://elections.delaware.gov/voter/pdfs/admin_comp.pdf.

Where to get legal help if you are denied the right to vote

In Delaware, if you are a person with a disability, call the **Disabilities Law Program** at **(302) 575-0660**. **Outside of Delaware, or if you are not a person with a disability**, call **Election Protection** at **1-866-OUR-VOTE (1-866-687-8683)**.

More Information

You can find more information on voting and voting rights at:

- **New Federal Guidance at ADA.GOV!**

The U.S. Department of Justice has published a new technical assistance publication about federal laws that protect the rights of voters with disabilities, including the Americans with Disabilities Act (ADA), the Voting Rights Act, the National Voter Registration Act and the Help America Vote Act. The publication, "The Americans with Disabilities Act & Other Federal Laws Protecting the Rights of Voters with Disabilities," is intended to help election officials, poll workers and voters understand how the ADA and other federal laws ensure equality in the voting process for people with disabilities.

The publication is available in HTML (at http://www.ada.gov/ada_voting/ada_voting_ta.htm) and PDF (at http://www.ada.gov/ada_voting/ada_voting_ta.pdf) versions on ADA.gov.

- Delaware Department of Elections Offices:

OFFICE OF THE STATE ELECTION COMMISSIONER

905 S. Governors Ave, Suite 170
Dover DE 19904
Telephone: 302-739-4277
Fax: 302-739-6794
<http://elections.delaware.gov/>
Email: coe_vote@state.de.us

The Department of Elections for New Castle County

Carvel State Office Building, 4th Floor
820 North French Street

More Information

Wilmington, DE 19801
Phone: 302-577-3464
Fax: 302-577-6545
<http://electionsncc.delaware.gov/>
Request an Absentee Ballot:
absentee@state.de.us

The Department of Elections for Kent County

100 Enterprise Place
Suite 5
Dover DE 19904
Phone: 302-739-4498
Fax: 302-739-4515
<http://electionskc.delaware.gov/>
Request an Absentee Ballot:
absenteekc@state.de.us

The Department of Elections for Sussex County

119 N. Race Street
P.O. Box 457
Georgetown DE 19947
Phone: 302-856-5367
Fax: 302-856-5082
<http://electionssc.delaware.gov/>
Request an Absentee Ballot:
absenteesc@state.de.us

- <https://ivote.de.gov/>
- **Office of the State Election Commissioner publications:**
 - * *Voting in Delaware: A Guide for Citizens with Disabilities* (available at <http://elections.delaware.gov/voter/pdfs/Voting%20in%20Delaware.pdf>).
 - * *Special needs voting:* http://elections.delaware.gov/voter/pdfs/special_needs.pdf

- * *Absentee voting brochure:* <http://elections.delaware.gov/voter/pdfs/absentee.pdf>.
- * *Filing administrative complaints:* http://elections.delaware.gov/voter/pdfs/admin_comp.pdf.
- * *How to Use Delaware's Voting Machine,* http://electionsncc.delaware.gov/use_vm/index.shtml
- **A Guide to the Voting Rights People with Mental Disabilities** (Bazelon Center for Mental Health Law & National Disability Rights Network): available at <http://www.bazelon.org/>.
- **Federal Election Commission,** <http://www.fec.gov/>
- **U.S. Department of Justice,** Civil Rights Division, Voting Section Homepage, <http://www.justice.gov/crt/about/vot/>
- **U.S. Election Assistance Commission,** <http://www.eac.gov/>
- **Brennan Center for Justice** Voting Rights page, http://www.brennancenter.org/content/section/category/voting_rights_elections/
- **Go Voter:** Making Voting Accessible for All, <http://www.govoter.org/>
- **League of Women Voters,** <http://www.lwv.org>
- **Election Protection,** <http://www.866ourvote.org>

More Information Cont.

NOTES

NOTES

This guide has provided general information to help you learn about voting rights for individuals with disabilities in Delaware and is not intended to be legal advice. Remember that every person's situation will be different. For questions on your specific situation, you may apply for free legal assistance from Community Legal Aid Society, Inc. (CLASI).

You can learn more about transition, or provide us feedback, at transition.declasi.org

Visit us on the web at www.declasi.org or contact us at one of our three office locations:

CLASI Offices

New Castle County

100 West 10th Street, Suite 801
Wilmington, DE 19801
302-575-0660
302-575-0696 (TTY/TDD also)
302-575-0666 - Elder Law Program
302-575-0690 - Disabilities Program
FAX: 302-575-0840

Kent County

840 Walker Road
Dover, DE 19904
302-674-8500 (TTY/TDD also)
302-674-3684 - Elder Law Program
302-674-8503 - Disabilities Program
FAX: 302-674-8145

Sussex County

20151 Office Circle
Georgetown, DE
302-856-0038 (TTY/TDD also)
302-856-4112 - Elder Law Program
302-856-3742 - Disabilities Program
FAX: 302-856-6133

This guide is current as of September 2014