



KENTUCKY PROTECTION AND ADVOCACY

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Your Voice, Your Vote

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July 2010

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Your Voice, Your Vote

Why vote?

Voting empowers us. It makes elected officials pay attention to the issues that are important to us. People with disabilities represent our nation's largest minority. One-fifth of all Americans have disabilities. When we vote, we can help elect the people we think will best represent us. When we vote, we can help make or change laws. Voting is important. One person can make a difference.



Registering to Vote

How do I register to vote?

To be eligible to vote you must be 18 by the next general election. You must be a United States citizen and a Kentucky resident for at least 28 days before you register.

You'll need to get a voter registration form; fill it out and turn it in. You can get the form from a

- Local driver's license office
- Local county clerk's office
- Protection and Advocacy
- State Board of Elections (<http://www.elect.ky.gov/register.htm>)
- Self-advocacy organization

You need to fill out voting forms if you

- Register to vote for the first time
- Change your political party
- Change your name, or
- Move to another address

Deadlines

The latest that you can register to vote is 29 days before the election. If you change your address or your political party, call the county clerk to find out what to do because time limits may apply.

Can anyone register to vote?

You can't register to vote if you claim the right to vote outside Kentucky. You can't register to vote if you're a convicted felon, unless your civil rights have been restored. You can't register to vote if a judge took away your voting rights when appointing a legal guardian. For more information about guardianship and the right to vote, please turn to page 16.

Choosing a political party

When you register to vote, you must choose a political party. No one can tell you which party to choose. It's up to you to decide which one you want.

Different political parties usually have different beliefs about issues. Choosing a political party determines which primary elections you can vote in. You can choose to be



- Democrat
- Republican
- Independent
- Other (such as Libertarian, Green Party, or Natural Law Party)

If you pick Independent or Other, you won't be able to vote in primary elections. You will still be able to vote in general elections.

After your registration form is processed, you will receive a note in the mail saying you are registered. It will tell you where to vote (polling place) on Election Day. If you don't receive a note 2-3 weeks after you turn in your form, call your county clerk's office.



Learning About the Issues and Candidates

Next, get educated

Before you vote, educate yourself! You'll want to find out about the candidates and the issues that may be on the ballot.

How do you find out about the candidates? The Secretary of State's office has a web page that lets people check who is running for offices in their areas. Check <http://apps.sos.ky.gov/elections/candidatefilings>.

What are the candidates' stances on issues that are important to you? Think about what's important in your life. Those things may include

- Your activities
- Your services
- Your money and property
- Where you live (city, state, country)

What have the candidates said about these things?

How to get information

You can find information about candidates and issues from

- Local newspapers
- Blogs, Twitter and Facebook
- Candidate campaign materials
- Candidate speeches
- Board of Elections
- League of women voters
- <http://www.votesmart.org>
- <http://www.rockthevote.com/issues>

Information about candidates and issues comes in two forms, non-partisan and partisan.

Non-partisan information just gives facts about a candidate or issue and doesn't take sides. An example of this would be a candidate's voting record. On the other hand, partisan information tries to convince you how to vote. Examples of this would be TV advertisements and newspaper editorials.



Going to Vote

Now you're ready to go vote

Before the election, find out where your polling place is. If you don't know, call your county clerk's office (<http://elect.ky.gov/countyclerks.htm>) or try the Voter Information Center (<https://cdcbp.ky.gov/VICWeb/index.jsp>). You can also call the State Board of Elections for help at 502-573-7100.

Figure out how to get to your polling place

If you live too far from your polling place and don't have a way to get there, try to plan for transportation ahead of time. For help, you can call

- A friend or family member with a car
- Kentucky Consumer Advocate Network for Mental Wellness (KYCAN) at 502-245-5281
- Kentucky Self-Advocates for Freedom at 859-245-0717
- Your local center for independent living
<http://www.bcm.edu/ilru/html/publications/directory/kentucky.html>
- The local office of your political party

Don't forget to bring ID!

When you go to vote, the poll worker will ask you for your name and ID. If you registered to vote by mail, and you've never voted in Kentucky before, you can show

- A picture ID
- A copy of a current utility bill
- A bank statement
- A government check, a paycheck or any other government document that has your name and address on it¹

If you've voted before, you must show a driver's license, a credit card, a Social Security card, or a signed photo ID.² If a precinct officer knows you personally, you don't have to show ID.

Next, the poll worker will find your name in the roster, which is a large book with the names of all the registered voters in it. You will sign or make your mark next to the spot where your name is printed.

All polling places must be accessible

Everyone should be able to get into the polling place. Everything about the polling place must be accessible to everyone.

- The doors should be wide enough for a wheelchair to go through
- There should be ramps or elevators if there are steps up or down
- If there is a door, it should have a lever handle or the door should be propped open if it's heavy
- There should be at least one accessible parking space
- The sidewalk or walkway to the polling place should be level

Accessible Voting Machines

Every polling place must have at least one voting machine that anyone with a disability can use.

- If you have difficulty with your vision or reading, you may ask to use the headphones for an audio ballot
- If you have difficulty using your fingers or hands, you may ask to use the specialized switch, lever, button, or puff straw
- If you use a wheelchair, the machine should be lowered so you can see the screen

What is it like in the voting booth?

When it's your turn, you will go into the voting booth. To vote you will touch the screen, mark the ballot, pull the lever or hit the buttons. A number of counties now use paper ballots, so you may be offered one, but you always have the choice of using the accessible voting machine instead. You'll vote for the people you want to elect into office. You'll vote yes or no on any issues that may be on the ballot.

Before you leave the voting booth, you should check to see that you voted for everyone and everything you wanted to. Next, press the "vote" button or turn in your ballot. Your vote will be added to the other votes.

Remember: No one can tell you who or what to vote for. It's your choice.

It's against the law for a person to give you something if you vote for a certain person or issue. If this happens, call your county clerk's office or the Office of the Attorney General's Election Fraud Hotline (1-800-328-8683).

What happens if I need help?

You can ask for two different kinds of help. First, you can ask one of the poll workers at the polling place to show you how to operate the voting equipment or mark the ballot. If you still don't understand after it's been explained to you, ask the poll worker to show you again. You can also ask for a sample ballot to study.

Second, if you have a disability, you can ask one of the elections officers to help you read the ballot, mark it or push buttons in the voting booth. You can also bring along someone of your choice to help you, but it can't be your employer or an agent of your union.

Remember: if you have trouble using the voting machine, you can ask for help at any time during the voting process. All you need to do is ask a poll worker.

Getting someone to help you vote

Kentucky law says that you can ask someone to help you vote if you're blind, physically disabled or can't read English.³

However, federal law⁴ says that **any** voter with a disability who needs someone to help them vote can get that help.

Any voter who requires assistance to vote by reason of blindness, disability, or inability to read or write may be given assistance by a person of the voter's choice, other than the voter's employer or agent of that employer or officer or agent of the voter's union.⁵

You can also ask someone to help you if you can't read or write. You'll have to sign a voting assistance form and say you need help because of your disability or because you can't read English. If you bring a friend to help you, that person will have to sign the form, too.

What happens if I make a mistake?

If you make a mistake on a ballot card, you must return it to one of the elections officers and get a new ballot. You can have up to three ballot cards. You can also get up to three provisional ballot cards if you make a mistake.

If you're using an accessible voting machine, you'll have a chance to review everything before you finish your vote. This gives you a chance to review and change your vote before its final.

To see the different kinds of accessible voting machines in Kentucky, visit the KATS Network at <http://www.katsnet.org/announcements/index2.php?id=4>.

Can I still vote if I won't be able to go to the polling place on Election Day?

If you know in advance that you won't be able to get to the polls on Election Day, you still may be able to vote by absentee ballot or absentee machine.

You can get an absentee ballot if you're

- Elderly, disabled or ill
- In the armed services or living with someone who is
- A student outside your home county
- Temporarily outside of Kentucky but you are a registered voter here, or
- In jail, but you haven't been convicted of a felony

You must complete your absentee ballot and mail it back to your county clerk's office within one week of the election.

You can vote by absentee machine (early voting) if

- You won't be home on election day, or
- You don't qualify for paper ballot voting

You'll be able to vote during the last 12 days before Election Day in your county clerk's office.



Dealing with Problems That May Arise

What if there are problems on Election Day?

You should be able to get into your polling place and cast your ballot without any problems. But if

- You can't get into your polling place
- The accessible machine isn't working properly, or
- You aren't allowed to vote by yourself, even if you don't normally need help

Speak up! Ask for help!

Call your county clerk's office and tell him what's going on. Then call the Protection and Advocacy Voter Hotline at 1-800-372-2988. Don't wait to call. This way, the problem can be worked on and you may still be able to vote.



What if I'm told I'm not competent to vote?

If the poll workers say that you can't vote, you should ask why. Kentucky has very specific rules about when your right to vote can be taken away. The two main reasons are

- Incompetence
- Felony conviction

Incompetence means that a court has said you need to have a guardian to help you make decisions about your life. You can find out more information about voting rights and guardianship on page 16.

You can find out more information about voting rights and convictions on page 18 and 19.



What if it's a US Election and they say I can't vote?

If you are voting for President, Vice-President or a United States Senator or Representative, you should ask for a provisional voting ballot. You should not leave the polling place without voting on one.

A provisional ballot allows you to record your vote if there's a question about your right to vote in a federal election. You can ask for a provisional ballot if

- If your name doesn't appear in the roster for your polling place
- If you don't have proper ID with you, or
- If all four elections officers challenge your right to vote

You will turn in the provisional ballot at the polling place. The county board of elections will let you know after the election whether it counted your vote. You will need to call the local county clerk (<http://elect.ky.gov/countyclerks.htm>) or check the State Board of Elections' web site (<https://cdcbps.ky.gov/ProvWeb/>) to find out the clerk counted your vote.



If I have a guardian, can I still vote?

What guardianship does

Having a guardian removes your legal right to do some things, including voting. However, on June 26, 2007, Kentucky's guardianship law changed. Now it's easier to keep your right to vote if you have a guardian.

Before, if you had a guardian you lost the right to vote. Now the judge has to make a separate decision saying if you lose the right to vote. If you do lose it, the judge has to write a reason why you do.

How do I find out whether I can vote?

If you got a guardian before June 26, 2007, you probably lost your right to vote. If you got a guardian after June 26, 2007, you may still have the right to vote. Ask your guardian if you still have this right. You can also find out by looking at your guardianship order.

I want to vote but I don't have the right. What can I do?

You will need to ask the judge to give the right back to you. There are two ways to do this.

Asking the court to help

You can ask the district court to get your rights back. Kentucky law says that you can do that by “any means,” including writing a letter to the court or just asking for help. If you ask the clerk, the clerk should let the judge know. The judge will ask someone to help you fill out a Petition for Relief, Modification, or Termination. Kentucky law says this person may be a state, county or court employee, but it could be someone else. If a clerk says that they can’t help you, show them the statute in the Endnotes section of this book, which explains that Kentucky requires the court to help you.⁶

How do I file a Petition for Relief, Modification or Termination?

You also can file a “Petition for Relief, Modification or Termination” in district court. You can use this petition to get back all your rights. It can also be used just to get back your right to vote. The best way to do this is to file the petition.

First, you must get the form. You can get one from your local district court clerk’s office or from P&A. You can also download one from the Kentucky Administrative Office of the Courts: <http://courts.ky.gov/NR/rdonlyres/45DE74D6-BB42-4D52-ADC4-251B1D6E84E9/0/795.pdf>.

Next, fill out the form. If you need help, you can ask your family, friends, or service provider. Kentucky Protection and Advocacy may be able to assist if you need help.

Turn in the form to your local district court clerk’s office. The clerk’s office will let you know when you need to go see the judge. Go see the judge on the date and time the clerk tells you to be there. You can bring a friend or family member to be with you.

Tell the judge in court that you want her to give you back your right to vote. The judge will decide if you can vote.

The judge says I can vote. Now what?

Get registered! You will need to fill out a registration form and turn it in to your local county clerk.



If I gave someone a power of attorney, can I still vote?

A power of attorney is a legal document in which one person (the principal) authorizes another (the agent) to act on her behalf. You cannot lose the right to vote by giving someone a power of attorney to help you make decisions.



If I've been convicted of a crime, can I still vote?

If you've been convicted of a felony, in Kentucky you lose the right to vote and hold public office. However, if you have been convicted of a misdemeanor, you can still vote.

Restoration of rights after a felony conviction

At one time, anyone convicted of a felony lost their civil rights forever, including the right to vote. A person's voting civil rights can now be restored by an Executive Pardon from the Governor. To qualify, you must

- Have a final discharge (either time served or probated)
- Not be under any felony indictments or have any pending charges
- Not owe any fines or restitution

How to apply for rights restoration

Call your local Probation and Parole office for a form, or you can download it at <http://www.corrections.ky.gov/pp/>. Complete the form and mail it to the Division of Probation and Parole. There is a small fee. Be sure to keep copies of everything you send.



Filing a Discrimination Complaint

The Help America Vote Act

Individuals with disabilities have the right to vote independently and privately. This means that people should be able to vote by themselves without any help, if they so choose. In 2002, Congress passed the Help America Vote Act (HAVA) to guarantee these rights in federal elections, such as elections for President and United States Senators and Representatives.

- Each polling place must have at least one voting machine that is accessible to anyone with a disability.
- You must be able to gain access to your polling place in order to be able to use the accessible voting machine. Having an accessible voting machine does little good if you can't enter the polling place to use it. The only exception is for inaccessible polling places that have an accessible portable voting machine that can be taken to the curb.
- Voting materials at your polling place must be provided in alternate forms, which may include audio explanations of ballot content and instructions on how to cast a ballot or use a voting machine.
- You must be able to mark and verify your ballot in a private and independent manner.
- You must be able to change your answers before you ballot is cast and counted.
- If you make a mistake, you're entitled to a replacement ballot.

- Your polling place must have the following information posted on election day
 - A sample ballot
 - Instructions on how to cast a vote
 - Instructions for mail-in registrants and first-time voters
 - Information on voting rights and how to contact the appropriate officials if these rights have been violated
 - Information prohibiting election fraud and misrepresentation⁷

If your rights under HAVA have been violated in a **federal** election, you can file a HAVA complaint. It will be investigated by the State Board of Elections.

1. Contact the State Board of Elections (502-573-7100) or Protection and Advocacy for a written complaint form. Use of this form is required by law. The form is not on-line, but you can see a sample copy of it at the back of this booklet. If you need help completing the form, P&A can assist you.
2. Send the form to the State Board of Elections within 90 days of the rights violation.
3. The complaint must be about a HAVA violation or the State Board of Elections will reject it.
4. If your form has a defect, the State Board of Election will return it to you. You must correct the form and return to the State Board of Elections within 7 calendar days.
5. The State Board of Elections will contact the county clerk about the complaint.
6. The clerk has 10 days to respond back about the complaint.
7. The Board of Elections will then send the clerk's response to you within 3 days. You will be given a choice of reaching an informal agreement with the clerk or requesting a hearing.
8. You must tell the State Board of Elections what you choose within 10 days of receiving the notice.

9. The State Board of Elections will make a final decision about the complaint within 90 days of receipt of the written form.

If you file a HAVA complaint and think you would like to request a hearing, Protection and Advocacy may be able to represent you. The decision to represent you will be made on a case-by-case basis.

The Voting Accessibility for the Elderly and Handicapped Act

The Voting Accessibility for the Elderly and Handicapped Act of 1984 (VAEHA) requires polling places across the United States to be physically accessible to people with disabilities. The United States Justice Department enforces the VAEHA by working with state and local governments, advocacy groups, and private citizens, and by bringing lawsuits where necessary, to make sure the protections guaranteed by Congress are extended to all.

Also, citizens may file their own lawsuits in federal district court under the Voting Accessibility for the Elderly and Handicapped Act. Since time limits may apply, contact an attorney or the US Department of Justice for more information.

US Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, N.W.
Voting Section - 1800 G
Washington, DC 20530
1-800-253-3931 (voice/TTY)

The Americans with Disabilities Act

The ADA was signed into law in 1990. It is the most comprehensive federal law that protects the rights of people with disabilities. Title II of the ADA prohibits government operated programs and services from discriminating on the basis of disability. The ADA entitles people with disabilities to reasonable accommodations in order to participate in government programs such as voting.

The ADA also requires that polling places be accessible. To find out if your polling place is accessible, you may want to look at the United States Department of Justice guidelines for accessible polling places: <http://www.ada.gov/votingck.htm>.

If you feel your ADA rights have been violated, you can file a complaint with the United States Department of Justice. The form for filing ADA complaints is at the back of this book. You can also find it online at <http://www.ada.gov/t2cmpfrm.htm>. You must file an ADA Title II complaint within 180 days of the discrimination.

The Kentucky Civil Rights Act

The Kentucky Civil Rights Act prohibits discrimination in places of public accommodation, which includes any place supported directly or indirectly by government funds,⁸ such as polling places and elections offices. If you believe your rights under the Kentucky Civil Rights Act have been violated, you can file a complaint with the Kentucky Civil Rights Commission. The complaint must be filed within 180 days after the discrimination occurs. You can find the complaint form online at <https://secure.kentucky.gov/kchr/complaint/>.



Important things to Remember

It's your vote!

People with disabilities have the right to vote. Voting is your decision. You have the right to vote unless a court has said that you can't.

- **No one can tell you what party to join**
- **No one can tell you how to vote**
- **It's against the law for someone to give you something if you vote a certain way**
- **Your vote is private—you don't have to tell anyone how you voted**
- **The polling place and one machine must be accessible to you**
- **You can ask for help to read the ballot or operate the voting machine**

Voting is easy! So, go ahead and do it!



Endnotes

¹ 42 USC 15483(b)(2)(A)(i)(II).

² KRS 117.227.

³ KRS 117.255 (2).

⁴ 42 USC 1973aa-6.

⁵ 42 USC 1973aa-6.

⁶ KRS 387.620(1, 3) states the following:

(1) A partially disabled or disabled person, his limited guardian, guardian, limited conservator, or conservator, or any other interested person may petition the court for:

(a) Termination or modification of an order of partial disability or disability...

(2) A request under subsection (1) of this section, if made by the ward, may be communicated to the court by any means, including, but not limited to, oral communication or informal letter. If such a request is communicated by means other than a petition, the court shall appoint a suitable person who may, but need not be, an employee of the state, county, or court to prepare a written petition to be filed with the court within seven (7) days following the appointment.

⁷ Other HAVA requirements can be found at http://www.justice.gov/crt/voting/hava/pl252_107.pdf.

⁸ KRS 344.130 and 344.120.

Political party clipart © 2010 Microsoft Corporation.

**COMPLAINT AND AFFIDAVIT FOR VIOLATION OF TITLE III
OF THE HELP AMERICA VOTE ACT OF 2002**

Instructions:

- a. For use of this form, see Administrative Regulation 31 KAR 6:010.
- b. Use of this form is limited to violations of Title III of the Help America Vote Act 2002, Public Law 107-252, governing elections for federal office.
- c. Title III places requirements on the states concerning voting system standards, provisional voting, voting information requirements, computerized statewide voter registration list requirements, and requirements for voters who register by mail.
- d. If this document is incomplete or if your complaint fails to state a violation of Title III, it shall not be acceptable for filing.
- e. The complaint shall be filed with the State Board of Elections within ninety days of the alleged violation.

Section 1: Please state under oath or affirmation and in legible writing your full name, physical address, mailing address, and telephone number. If you do not have an address or telephone number, please so state and explain the best way to contact you.

Name (Please Print)			
Residential Address			
Mailing address (If different)			
City/State/Zip			
Telephone Number	()	

Section 2: Please state in writing under oath or affirmation in your own words why you believe a violation of Title III of the Help America Vote Act of 2002 has occurred, is occurring, or is about to occur. State a description of the alleged violation sufficient to apprise the Board and the respondent of the nature and specifics of the complaint below and attach additional sheet if more space is needed.

sample

Section 3: Please state what you want done about the violation to bring the election system or election process into compliance with Title III of the Act. Attach additional sheet if more space is needed

sample

Signature of Complainant _____

Subscribed and sworn to or affirmed before me by _____, who personally appeared before me on _____ day of _____ 20 ____.

My Commission Expires: _____ 20 ____.

Notary Public State at Large

OMB No. 1190-0009

Title II of the Americans with Disabilities Act
Section 504 of the Rehabilitation Act of 1973
Discrimination Complaint Form

Instructions: Please fill out this form completely, in black ink or type. Sign and return to the address on Page 2.

Complainant: _____

Address: _____

City, State and Zip Code: _____

Telephone: Home: _____

Business: _____

Person Discriminated Against:
(if other than the complainant) _____

Address: _____

City, State, and Zip Code: _____

Telephone: Home: _____

Business: _____

Government, or organization, or institution which you believe has discriminated:

Name: _____

Address: _____

County: _____

City: _____

State and Zip Code: _____

sample

Telephone Number: _____

When did the discrimination occur? Date: _____

Describe the acts of discrimination providing the names(s) where possible of the individuals who discriminated (use space on page 3 if necessary): _____

Have efforts been made to resolve this complaint through the internal grievance procedure of the government, organization, or institution? Yes _____ No _____

If yes: what is the status of the grievance? _____

Has the complaint been filed with another bureau of the Department of Justice or any other Federal, State, or local civil rights agency or court? Yes _____ No _____

If yes: Agency or Court: _____

Contact Person: _____

Address: _____

City, State, and Zip Code: _____

Telephone Number: _____

Did you intend to file with another agency or court? Yes _____ No _____

Agency or Court: _____

Address: _____

City, State and Zip Code: _____

Telephone Number: _____

Additional space for answers: _____

sample

Signature: _____ Date: _____

Return to:

U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, NW
Disability Rights - NYAV
Washington, D.C. 20530



Protection and Advocacy
100 Fair Oaks Lane, Third Floor
Frankfort, KY 40601
(502) 564-2967
(800) 372-2988
<http://www.kypa.net>

Protection and Advocacy produced *Your Voice, Your Vote* with a grant from the United States Department of Health and Human Services under the Help America Vote Act (HAVA). The Help America Vote Act directs P&As to “ensure the full participation in the electoral process for individuals with disabilities, including registering to vote, casting a vote and accessing polling places.” This includes election access for a wide range of people with disabilities, including people with intellectual, sensory and physical disabilities, and mental health diagnoses.