Voting Rights

For People with Disabilities in South Carolina

Produced by the SC DisAbility Voting Coalition

South Carolina DisAbility Voting Coalition

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Disclaimer

Electronic Access and Copies of Publication

This publication may be accessed in an accessible electronic format at www.pandasc.org

Since 1977 Protection and Advocacy for People with Disabilities, Inc. has been an independent, statewide, non-profit corporation that protects and advances the legal rights of people with disabilities. P&A's vision in South Carolina is that individuals with disabilities will be fully integrated into the community with control over their own lives; be free from abuse, neglect and exploitation and have equal access to services.

Contact P&A:
1-866-275-7273 (statewide toll free-voice)
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www.pandasc.org

Introduction

Voting isn't a right—it's *the* right—the one that all others depend upon. No matter where you live, no matter what you do for a living, no matter what challenges you may face, you have the right to vote. Voting gives people the ability to voice their opinions about important issues in their community such as healthcare, transportation, education, and much more.

This book was prepared to help voters with disabilities in South Carolina understand their rights in the voting process. This publication will explain:

- Who can vote *(page 3)*
- How to register to vote *(page 4)*
- Different ways to vote *(page 5)*
- Accessibility issues *(page 9)*
- How to report problems *(page 12)*
- Additional resources *(page 13)*

Important Note:
In South Carolina 17% of the voting age population has a disability.

Videos
This publication corresponds with a set of videos about voting:
Registering to Vote in SC: http://bit.ly/28Sbgv9
Ways to Vote in SC: http://bit.ly/28Q89SB
Voting Accessibility in SC: http://bit.ly/28PVCgv

Voting Glossary

Ballot: The official presentation of all of the candidates running in the current election.

Candidate: Person running for office.

Clerk: Poll manager in charge of a polling place.

Guardianship: A legal process to determine if someone is unable to make personal decisions like medical care or where to live. The judge will then name someone else to make those decisions.

Photo Identification (Photo ID): Official government-issued form of identification that includes a photo.

Polling Place: The designated location for a precinct to vote on Election Day.

Poll Manager: A person working at the polling place on Election Day.

Precinct: A subdivision of a county, town or city for election purposes.

Provisional Ballot: A provisional ballot is a temporary paper ballot that is used on Election Day at your assigned polling place.

Service Animal: Service animals are dogs or miniature horses individually trained to do work or perform tasks for people with disabilities.

Voting Rights for People with Disabilities

- You have the right to vote privately and independently.
- You have the right to request assistance, if needed.
- You have the right to vote for the candidates you choose.
- You have the right to vote even if you live in a group home, residential center, nursing home, or any other kind of facility.
- You have the right to vote even if you have a developmental or intellectual disability.
- You have the right to vote even if you have a guardian (depending on the terms of the guardianship).

Registering and Preparing to Vote in SC

Who is Eligible to Vote

- At least 18 years old on or before the next election.
- Resident of state, county and precinct in which you are registered to vote.
- Not under a court order declaring mental incompetency.
- Not in prison for a conviction of a crime.
- Not on probation or parole for a conviction of a felony or election law crime (unless the person has been pardoned).

Important Note:

Most people with a guardian in South Carolina are eligible to vote.
However, some may not. If you are not eligible, it will be written in your guardianship paperwork. If you have a guardian, it is best to talk with your guardian about whether or not you can vote.

The Different Ways to Register to Vote

There are three ways a person can register to vote. Registration closes thirty days before any election. To find a list of contact information for each county office go to:
http://www.scvotes.org/how_to_register_absentee_voting

Online: You can register online by going to www.scvotes.org and click on "online voter registration." You will need either a South Carolina Identification Card or a South Carolina Driver's License to register this way.

Mail: Either download the application from the website at www.scvotes.org or call, fax or mail your county office to request a form. Then you can mail, fax or email the completed form to your county office. You will need to mail a copy of one of the following forms of ID: Photo ID, utility statement, bank statement, paycheck or government document that shows your name and address*.*

In person: Apply in person at your county voter registration office. You can also apply in person at any South Carolina Department of Motor Vehicles or social service offices like the Department of Social Services. Bring one of the following forms of ID: Photo ID, utility statement, bank statement, paycheck or government document that shows your name and address.

Important Note:
Voters with a disability, age 65 and older, members of the armed services or citizens residing outside the US who do not currently have a photo ID or any of the other required documents needed to register to vote can check the exempt box.

The Four Ways a Person with a Disability Can Vote in South Carolina

People have different abilities and needs for accommodations, so it is important that you understand all your options. Choose the way that is best for you.

In Person at Your Polling Place

Go to your assigned polling place on Election Day, sign or place your mark in the poll book, and vote on the machine.

Curbside at Your Polling Place

Anyone who is 65 or older or a person with a disability is eligible to vote curbside. Curbside voting does not require a SC Department of Motor Vehicle disabled placard or license plate. Go to your designated polling place on Election Day, find the curbside voting sign and park in the designated space. The area should be monitored at least every 15 minutes. Two poll managers will come out to assist you. You will be able to vote on the machine from your car. Unfortunately, other riders are not eligible to vote this way.

In-Person Absentee Voting

- Contact your county voter registration office to find out where and when in-person absentee voting will take place.
- You may vote using in person absentee until 5:00 p.m. on the day before the election.
- In-person absentee voting requires a photo ID.

Mail-In Absentee Voting

Absentee Voting allows voters to cast a ballot before Election Day. You can request your absentee ballot as early as January 1 of the election year. Ballots are usually available 30 days before Election Day.

Step 1: Request an absentee application in one of two ways:

Online: Go to www.scvotes.org to get your application online. If you choose to use the online method you **must** be able to print your application from a computer.
Paper: Make a request to your county office by phone, mail, email, or fax to receive your absentee application. This application will be mailed to your address.

Step 2: Complete and sign the application and return it to your county voter registration office. You should return the application as soon as possible, but no later than 5:00 p.m. on the 4th day prior to the election (the 4th day is Friday for all Tuesday elections). You may return the application by mail, email, fax, or personal delivery.

Step 3: Receive your absentee ballot in the mail.

Step 4: Complete the ballot. Follow the instructions closely. You may return the ballot personally or by mail to your county voter registration office by 7:00 pm on the day of the election. Please note it costs about $1.15 to mail an absentee ballot. You may also have another person return the ballot for you, but you must first complete an authorization to return absentee ballot form.

Important Note:

Photo ID is not required to vote absentee by mail.

Who Can Request an Absentee Ballot Application and
Who Can Return an Absentee Ballot?

- The voter, a member of the voter's immediate family, or the voter's authorized representative may request the absentee ballot application. An authorized representative is a registered voter who, with a voter's permission, can request an absentee ballot application on behalf of a voter who qualifies because of illness or disability. Candidates and paid campaign workers may not serve as authorized representatives.

- Voters admitted to the hospital as an emergency patient on the day of the election or within four days prior to the election can have an immediate family member apply and carry a ballot to the voter.

- To have your absentee ballot returned by a person other than yourself, it is necessary for the absentee voter to complete an "Authorization to Return Absentee Ballot Form." The absentee voter completes Section 1, and the person returning the ballot completes Section 2 of the form. Candidates and paid campaign workers may return absentee ballots only if they are an immediate family member of the voter.

What You Need to Vote on Election Day

You must present one of the following forms of [photo ID](#) to vote in person on Election Day:

- SC driver's license
- SC DMV ID card
- SC voter registration card with photo
- Federal military ID
- United States passport

Important Note:
If you do not have a photo ID you may vote with a [provisional ballot](#) due to a reasonable impediment.

Provisional Ballot

If you do not have a photo ID due to a reasonable impediment such as a lack of transportation, lack of birth certificate, disability or illness you may request a [provisional ballot](#). A provisional ballot is a temporary paper ballot that you use on Election Day at your assigned polling place. To vote this way, present your current voter registration card, sign the affidavit stating why you could not obtain a photo ID, and cast a provisional ballot. The provisional ballot will be counted unless the county election office has reason to believe your affidavit is false. Refer to the written instructions located at the polling place to ensure your provisional ballot is counted.

Voting Accessibility

You may face challenges in the voting process. It is best to know your rights, the accommodations offered, and be prepared to advocate for yourself, if needed. Some of the features you may find helpful are:

- Large print voter registration forms.
- Written instructions for people who are deaf or hard of hearing on how to vote.
- Voting machines that offer an audio ballot with headset and braille buttons, large fonts, and touch screen. You may bring your own headphones.

- You are free to bring adaptive equipment such as a signature guide or magnifier with you to the polls. However, most electronic devices will not be allowed into the voting booth. If you would like to check to see if you can use a device on Election Day please call your local county election office.

Important Note:
Audio ballots are available only during federal elections.

Physical Accessibility of Polling Places

All polling places in the US must meet Americans with Disabilities Act (ADA) polling place standards. However, accessibility problems are frequently found. Many people find it helpful to be proactive and drive by their polling place before voting to identify any barriers that might exist. Polling places should have**:**

- Accessible parking

- Ramps and curb cuts

- Paved parking lots and sidewalks

- Accessible doorways and door handles

- Accessible internal pathways

- Ability to move a voting machine to a table that is accessible for a person using a wheelchair

To learn more about the current accessibility standards for polling places go to http://www.ada.gov/votingck.htm

Service Animals

You have the right to have a service animal with you when you go to vote. If you have problems with someone questioning your right to a service animal, you may want to download the card "Service Dogs-Legal Rights" by Protection and Advocacy for People with Disabilities, Inc. and have it with you when you vote.   http://pandasc.org/2012/09/service-dogs-legal-rights/

Right to Assistance

You may need assistance using the voting machine. If you have a disability or are unable to read and write you are entitled to receive assistance. You may choose anyone to assist you in the voting booth

except your employer or a representative of your employer's union. To receive assistance, you must tell the poll worker that you have a disability and that you need assistance. You must identify the person helping you or request the help of a poll manager. You do not have to state your disability or provide any proof of disability.

How to Prepare to Vote

- Research candidates and issues on websites, TV, newspapers, and magazines
- Attend or watch a candidate debate or forum
- Download a sample ballot from www.scvotes.org
- Learn about any questions or amendments that are on the ballot at www.scvotes.org
- Visit your polling place beforehand to determine if it is accessible for you.
- Prepare a list of ballot selections ahead of time so it will be easy to complete your ballot.

Resolving Voting Problems

While at the Polling Place

If you are trying to vote and you believe your rights are being denied, please follow these steps to troubleshoot your problem at the polls:

1) Ask to speak to the clerk. The clerk is in charge of the polling place.
2) If you are unable to resolve the matter with the clerk, ask the clerk to call the County Board of Voter Registration and Elections.
3) If the matter is still not resolved, ask the clerk to call the State Election Commission.
4) If you are unable to resolve your problem using the above method please contact one of the following organizations:

Protection and Advocacy for People with Disabilities, Inc.
3710 Landmark Dr., Suite 208, Columbia, SC 29204
Toll Free: 1-866-275-7273 | info@pandasc.org

County Board of Elections and Registrations
Go to http://www.scvotes.org/how_to_register_absentee_voting for a list of contact information for each county.

The SC State Election Commission
P.O. Box 5987, Columbia, SC 29250-5987
 www.scvotes.org | (803) 734-9060

Americans with Disabilities Act Discrimination Complaint Form
https://www.ada.gov/complaint/form.php?language=en

Help America Vote Act Title III Complaint Form (Title III covers voting system standards, provisional voting, voting information, computerized statewide voter registration list, and registration by mail.)
http://www.scvotes.org/files/Title3_Complaint_Form.pdf

Voting Resources

There are many voting resources available. See below for more information.

South Carolina Resources:

- South Carolina State Election Commission www.scvotes.org
- Protection and Advocacy for People with Disabilities, Inc. www.pandasc.org

- Save All Votes South Carolina www.saveallvotessc.org
- List of contact information for each County in South Carolina www.scvotes.org/how_to_register_absentee_voting
- SC Judicial Department Self-Help Resources—Guardianship in SC--Frequently Asked Questions from a Ward http://www.judicial.state.sc.us/selfhelp/faqsfromAward.pdf

National Resources:

- Bazelon Center for Mental Health Law – Information on guardianship and voting. http://www.bazelon.org/SearchResults/tabid/41/Default.aspx?xsq=voting

- #CripTheVote – View their www.disabilitythinking.com Election 2016 Voter Guide. Join the conversation online with *#CripTheVote*.

- Election Assistance Commission – The national clearinghouse of information on election administration. www.eac.gov

- Election Protection – Visit www.866ourvote.org or call 1-866-OUR-VOTE (1-866-687-8683) if you have any issues or concerns related to Election Day.

- One Vote Now – Partner project of National Association of Councils on Developmental Disabilities (NACDD) and Disability Rights Education & Defense Fund (DREDF) to enhance the voting by people with disabilities. Visit www.onevotenow.org for information on voting.

- RespectAbility Report – a nonpartisan political commentary on the 2016 U.S. elections with a focus on disability issues. www.respectabilityreport.org

- Rock The Vote – Get registered, get informed, and get involved. www.rockthevote.com

- Rooted In Rights – www.rootedinrights.org

- Self Advocates Becoming Empowered (SABE) – Information and resources at www.sabeusa.org/govoter/vote-toolkit/.

- www.Vote411.org and the League of Women Voters