



Washington Outlook: What Difference Will the Election Make for Persons with Disabilities?

Presented by

Stephanie Smith Lee

Senior Policy Advisor,

National Down Syndrome Congress

October 25, 2018

 **ThinkCollege**

NATIONAL COORDINATING CENTER

Washington Outlook:
**What Difference Will the Election
Make for Persons with Disabilities?**

A **Think College** Webinar

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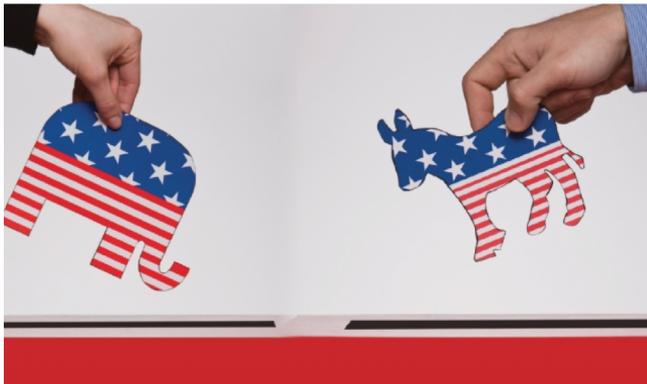
Agenda

- Introduction
- Why the midterms matter
- Policy issues on the line and questions to ask
 - Health care, Medicaid, Employment, Education
- Voting



Introduction

- NDSC is nonpartisan and works in a bipartisan way
- No endorsements of parties or candidates
- Webinar will be informational in nature, and give you resources for further investigation so that you can make your own decisions
- NDSC does not have a voter guide (and does not endorse any particular voter guides) but many other disability organizations do



Midterm Elections

Who is up for re-election?

- All US Representatives (435 seats)
- 1/3 of all US Senators
- State and local offices
- More than $\frac{3}{4}$ of state legislative seats in 46 states



MIDTERM ELECTION 2018 OPEN SEATS

Senate	33
House of Representatives	435
Governorships	36



Why are the Midterm elections so important?

- Potential power shift (“flip”) in the House or Senate
- Seen as referendum on the current political direction of the country

Current situation:

- In the House of Representatives, 24 seats separate the two parties.
- In the Senate, 2 seats separate the parties.
- All 435 House seats are up for election in 2018. Democrats are targeting 91 GOP-held seats while House Republicans are targeting 36 Democratic seats

Divided Government

- Divided Government - President from one party; at least one House of Congress controlled by the other
 - Benefits include forced compromise, limited spending, checks on undesirable laws
 - Some people feel this leads to lethargy and gridlock
- Executive & legislative branches controlled by same party (current situation):
 - Cabinet members and judges approved
 - Bipartisan compromise disincentivized because the majority party is less likely to need the help of the minority party

State/Local Elections are important too!

- States have more control now over policy decisions and funding
- Governor, Attorneys General, state legislature elections
- Local government manages a lot of different things and the decisions will directly affect your life
 - Schools, public safety, housing, public transit
- School board- determines districting, staffing, budget, etc. of schools
- Find out who your state elected officials are, and who is up for re-election at <https://www.usa.gov/elected-officials>

What disability-related policy issues are on the line right now?

- Health Care
- Medicaid
- Employment
- Education
- Higher Education



Health care: Current Status of Affordable Care Act

- Weakening of ACA's protections for people of disabilities
- Elimination of individual mandate (in December 2017 tax bill)
- Administration stopped paying for marketplace subsidies – summer 2017
- Short term plans now being allowed (Agency regulations to allow plans that do meet the ACA's coverage requirements and allow people with pre-existing conditions to be charged more)

Health Care – what is on the line?

- Possible full repeal of Affordable Care Act (ACA) on federal level
- State level – Governors and State legislatures determine level of funding for health care, how to administer health care marketplaces and exchanges; some Attorneys General have filed lawsuits against federal government to preserve ACA protections; others have joined in TX lawsuit to remove pre-existing condition protections
- Coverage of pre-existing conditions, essential and non-essential health benefits, lifetime/annual caps

Health care – questions to ask

- What is your position on the Affordable Care Act?
 - For incumbents, how did they vote in the past?
 - See voting record on ACA repeal bills –
<https://www.govtrack.us/congress/votes/115-2017/h256>
 - If candidate says they support repeal:
 - Will you fight to maintain health coverage?
 - If so, how would you do that while repealing the ACA?
 - Do you support lifetime or annual caps?
- Will you fight to maintain health coverage for people with pre-existing conditions?

Medicaid – current status



- Reminder that Medicaid is not just health care – provides valuable Long Term Services & Supports (LTSS) to people with disabilities and Home & Community based services (HCBS)
- Significant proposed cuts to Medicaid in budget, tax reform
- Dept of Health & Human Services has been approving state requests that limit Medicaid access, e.g., work requirements
- Attempts to weaken HCBS Settings Rule (for community integration)

Medicaid – what is on the line?

- More federal attempts to cap and cut Medicaid
- Possible rollback of state Medicaid coverage
- Work requirements and other limitations
- Rollback of HCBS settings rule could lead to more institutionalizations
- <https://www.aapd.com/advocacy/voting/rev-up-issues-guide/health-care-medicaid-and-medicare/>

Medicaid – questions to ask

- Do you support or oppose block grants and/or per capita caps to Medicaid?
- Do you support or oppose work requirements, time limits or other barriers to eligibility for Medicaid?
- Do you believe that people with significant disabilities should live in institutions, or in the community with support?
- (For state candidates) - How will you help to reduce the state waiting list for Medicaid LTSS?

Employment – current status

- Probable “opening up” (revision) of definition of “competitive integrated employment” in regulations under Workforce Innovation Opportunity Act (WIOA)
 - Department of Education has included this on a list of regulations they may revise
 - Could alter this definition in favor of segregated work environments
- Legislative efforts to eliminate subminimum wage (14c certificates)

Employment – questions to ask

- Do you support the definition of “competitive, integrated employment” as codified in the Workforce Innovation Opportunity Act (WIOA) and subsequent regulations?
- Do you believe that all people with disabilities should have the opportunity to work at a real job in an inclusive setting and earn competitive wages?
- What would you do to increase work opportunities for people with disabilities?
- <https://www.aapd.com/advocacy/voting/rev-up-issues-guide/employment/>

Education (K-12)– current status

- IDEA is still not fully funded.
- The IDEA discipline guidance that protects against unwarranted suspensions for SWDs may be repealed.
- Other IDEA and ESSA guidance documents and regulations could be rescinded as “unnecessary.”
- Many state ESSA plans do not provide sufficient accountability for SWDs.
- Many states are assessing too many students using an alternate assessment.
- Key provisions of IDEA are not being well implemented e.g. LRE and FAPE.

Education – what is on the line?

- How has an incumbent tried to influence Department of Ed? (e.g., letters against rollback of regs, pushing for strong state ESSA plans?)
- Possible IDEA reauthorization (NOT desirable in this political climate)
- Pay attention to Governors' races, and any other elected officials who impact education (some issues are teacher pay, ESSA and IDEA implementation, vouchers)

Education(K-12) - questions to ask

Congressional Candidates:

- Do you support full funding of the Individuals with Disabilities Education Act (IDEA)?
- Do you believe that the Department of Education should ask states to fix problems with accountability for subgroups (e.g. SWDs) in state ESSA plans?

State Candidates:

- Would you review the state ESSA plan and push for stronger accountability for subgroups (e.g. SWDs)?
- What would you do to ensure that districts are properly implementing IDEA especially for students who take alternate assessments?
- Would you meet with families and students to hear and work with us/them to address issues with educating students with disabilities?

Higher Education – current status

- Higher Education Opportunity Act of 2008 (HEOA) authorized:
 - **Federal Student Aid:** Eligibility for Pell grants, Federal Supplemental Educational Opportunity Grants and Work-Study jobs (not loans).
 - **Model Demonstration Programs:** Transition and Postsecondary Programs for Students with Intellectual Disability (TPSIDs).
 - **National Coordinating Center (NCC):** Technical assistance, coordination between and evaluation of TPSID projects, and create recommended model standards for programs through an Accreditation Workgroup. (See www.thinkcollege.net)

\$11.8 million appropriated each year for TPSIDs and NCC, including FY 2019 appropriations bill signed by President

Higher Education – what's on the line

- Working with Congress to ensure ID provisions, with improvements, stay in Higher Education Act in the reauthorization. If TPSID model demos and NCC are not included in reauthorization, the programs will end.
- House Education and Workforce Republican bill, HR 4508, includes current law ID provisions.
- Democratic bill, HR 6542, included many improvements to ID provisions.
- Senate HEA reauthorization stalled.
- HEA reauthorization likely in next Congress.

Higher Education-questions to ask Congressional Candidates

- Do you believe that the programs for students with intellectual disabilities in current law should be included in the Higher Education Act reauthorization?
- Do you support continuing the current annual funding of \$11.8 million for postsecondary programs for students with intellectual disabilities in the Higher Education Act?

How can you find out where candidates stand on policy issues?

- Candidate websites
- Go to town hall meetings, candidates forums, Q&A sessions, Facebook live sessions
- Resources from other disability and civil rights organizations
 - Example:
<http://therespectabilityreport.org/2018/10/03/2018-pwds-vote-disability-questionnaire/>
- Issue-specific political action committees and endorsements
- For incumbents (currently in office), look at former statements and voting record
 - <https://www.govtrack.us/congress/votes>



“VOTE
as if your
life
depends
on it,
because
it does.”

Justin Dart:
Father of the ADA



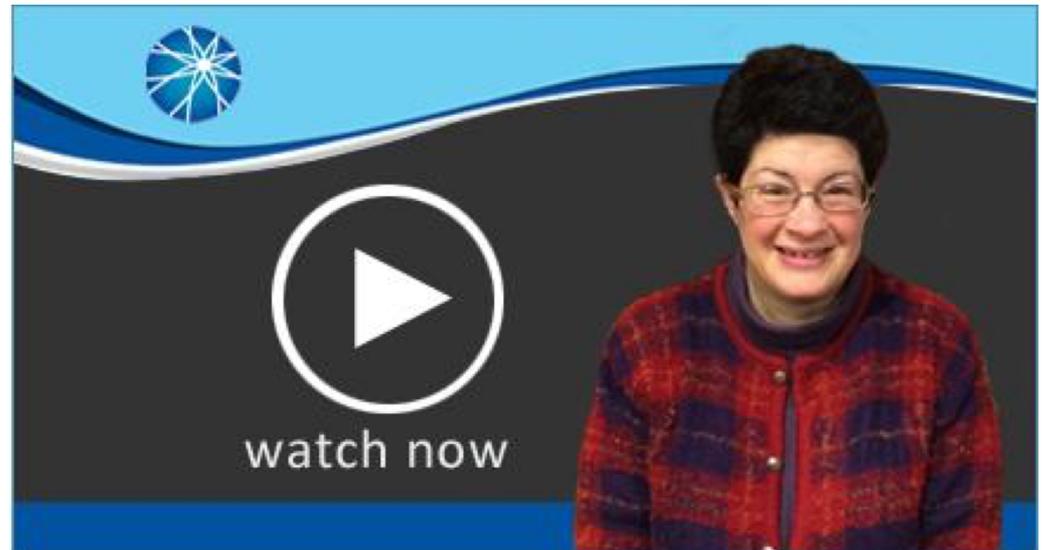
Tuesdays with Liz Video Series

'Tuesdays with Liz' is a weekly video series highlighting current issues in disability policy. It is hosted by Liz Weintraub, a long-time disability advocate, and produced by AUCD.

BE AN EDUCATED VOTER!

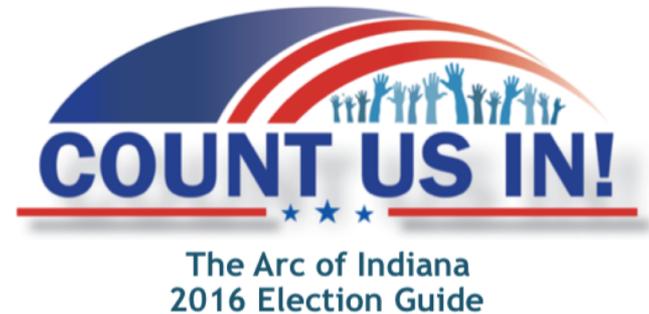
Her most recent video shares how to get information about the candidates who are running for office on your state's Board of Elections' website.

Check it out: <https://youtu.be/x7wxg4UsnPU>



Voter Guide Examples

- Federal level
 - Example:
<https://www.aapd.com/advocacy/voting/rev-up-issues-guide/>
- State level
 - Example of candidate-specific statements:
<https://www.arcind.org/wp-content/uploads/2018/09/The-Arc-of-Indiana-2016-Election-Guide.pdf>



Requirements to Vote

- Must be a US citizen (born here or naturalized)
- Must be at least 18 years old
- Must be registered in your state by the deadline (except ND – no registration necessary)
 - Check your registration status at www.vote.org
- May need ID
 - Some states require photo ID
 - Others – utility or phone bill
 - See info about voter requirements from [National Conference of State Legislatures](#)

Source: <https://www.aarp.org/politics-society/government-elections/info-2018/need-to-know-midterm-election-information.html>

The last day to register to vote in every state

Alabama	10/22
Alaska	10/7
Arizona	10/9
Arkansas	10/9
California	10/22
Colorado	11/6 (Election Day)
Connecticut	10/30
DC	11/6 (Election Day)
Delaware	10/13
Florida	10/9
Georgia	10/9
Hawaii	11/6 (Election Day)
Idaho	11/6 (Election Day)
Illinois	11/6 (Election Day)
Indiana	10/9
Iowa	11/6 (Election Day)
Kansas	10/16
Kentucky	10/9
Louisiana	10/9
Maine	11/6 (Election Day)
Maryland	10/16
Massachusetts	10/17
Michigan	10/9
Minnesota	11/6 (Election Day)
Mississippi	10/9
Missouri	10/10

Montana	11/6 (Election Day)
Nebraska	10/26
Nevada	10/18
New Hampshire	11/6 (Election Day)
New Jersey	10/16
New Mexico	10/9
New York	10/12
North Carolina	10/12
North Dakota	None – just bring ID
Ohio	10/9
Oklahoma	10/12
Oregon	10/16
Pennsylvania	10/9
Rhode Island	10/7
South Carolina	10/17
South Dakota	10/22
Tennessee	10/9
Texas	10/9
Utah	10/30
Vermont	11/6 (Election Day)
Virginia	10/15
Washington	10/29
West Virginia	10/16
Wisconsin	11/6 (Election Day)
Wyoming	11/6 (Election Day)

If you miss the deadline to register to vote in this election, be sure to register for the next election!

How to Vote

- In person
 - Go to your poll on November 6 (Election Day)
 - Some states have early voting as much as 45 days before election (may be a different polling place from your usual one)
- Via absentee ballot
 - Applications usually available online
 - Some states have “no excuse” ballot while others require justification (e.g., will be traveling during Election Day, disability)
- By mail
 - OR, WA, CO, some CA counties mail ballots to registered voters
 - Can return by mail or to a voting place

Things to Consider

- **It is not too late to register in some states.**
 - Check your state's deadline: <https://www.nonprofitvote.org/voting-in-your-state/voter-registration-deadlines/>
 - Not sure if you are already registered or if your registration is still valid? Check <https://www.headcount.org/verify-voter-registration/>
- **What are your state's requirements to vote? You need to plan so you won't be turned away at the polls**
 - Check your state's requirements <https://www.usvotefoundation.org/vote/sviddomestic.htm>
- **Where is your polling place? Is there early voting? Do you need an absentee ballot?**
 - Find your polling place in the League of Women Voters website to find your polling place and read their voters' guide: <https://www.vote411.org>
 - A simple source to register or request an absentee ballot, can be found at <https://turbovote.org/>

Caution about photographs

- Selfies with ballots are illegal in many states - subject to \$\$ fines
- Many states do not allow phones or electronics inside the polling station
- Laws are unclear in many states – better not to take the chance
 - <https://www.vox.com/policy-and-politics/2016/10/25/13389980/ballot-selfie-legal-illegal>
- Photos outside polling place with your “I voted” sticker are fine!



Persons with Disabilities Need to Vote!

- **The voter turnout rate of people with disabilities was six percentage points lower than that of people without disabilities during the 2016 election.**
- If needed, help self-advocates understand the policy issues and what's at stake
 - [Advocacy Guide for Self-Advocates- NDSC](#)
- SAs may not be able to vote in some states if someone else has full guardianship (do your research). See: [It's Your Right. A Guide to the Voting Rights of People with Mental Disabilities](#):
<http://www.bazelon.org/wp-content/uploads/2018/10/2018-Voter-Guide-Updated.pdf>
- Disability voter campaigns
 - [RevUp Campaign](#)
 - #CriptheVote
- Voting resources for Persons with Disabilities
 - University of Montana resource list: <http://rtc.ruralinstitute.umt.edu/advocacy-voting-resources/>



AAPD's RevUp Campaign

- <https://www.aapd.com/advocacy/voting/>
- State resources and events
- Voter resources center
- Statistics
- Toolkits
- Issue guides
- Accessibility toolkit
- And MORE!



Voting Rights Under Americans with Disabilities Act (ADA)

- Basic Rights:
 - Vote privately and independently
 - Have an accessible polling place with voting machines for voters with disabilities
 - Wheelchair-accessible voting booths
 - Entrances and doorways that are at least 32 inches wide
 - Handrails on all stairs
 - Voting equipment that is accessible to voters who are blind or who have low vision
 - Bring your service animal with you into your polling place
 - Seek assistance from workers at the polling place who have been trained to use the accessible voting machine
 - Bring someone to help you vote (including a friend, family member, caregiver, assisted living provider, or almost anyone else, but not your employer or union representative).
- **Hotline to call if your rights are being violated: (800) 253-3931**



Tips/Reminders

- Remember that whoever gets elected still represents YOU, whether or not you voted for them
- Reminder to be respectful and professional in social media postings and all public messaging – negativity could come back to bite you in future advocacy efforts
- No personal attacks on candidates!
- **Seek to educate and inform, not criticize (how will this issue impact me and my family?)**

How to Get Involved on Election Day

- Consider:
 - Volunteering at the polls
 - Provide transportation to the polls
 - Becoming an [election poll worker](#) (supervise polling places, assist voters)
 - Getting involved in a campaign, find out who is on your ballot:
 - <https://www.vote411.org/ballot>



Sign up to stay up-to-date with NDSC Policy communications!

- Monthly NDSC Policy & Advocacy
Newline emails

- <http://www.ndsccenter.org/stay-up-to-date-with-ndsc-news/>



**Action
Alert**

URGENT

- Action Alerts

- <https://www.ndsccenter.org/political-advocacy/take-action-stay-informed/>

- Facebook

- <https://www.facebook.com/dsadvocates/>



- Twitter

- *@policyupdates*



NDAC

National Down Syndrome
Advocacy Coalition



A member service of
NATIONAL
DOWN SYNDROME
CONGRESS

- Grassroots advocacy program to educate individuals with DS, family members and other allies about policy issues and give them advocacy tools to make their voices heard. Open to all abilities/levels of advocacy experience.
 - Active closed Facebook group
 - Quarterly update webinars and other resources

Visit <https://www.ndsccenter.org/political-advocacy/national-down-syndrome-advocacy-coalition/> to sign up!

Questions?

Stephanie Smith Lee
NDSC Senior Policy Advisor
stephanie@ndscenter.org



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For more info about the NDSC policy agenda and resources, visit:

<https://www.ndscenter.org/political-advocacy/>