Why You Should Care about the Midterm Elections

October 16, 2018
Agenda

• Introduction
• Current political landscape
• Why the midterms matter
• Policy issues on the line
  • 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
NDSC basic philosophy

• Rights of people with Down syndrome are civil rights and therefore in the purview of the federal gov’t
• Local and state innovation is great but there needs to be federal oversight (guardrails)
• Federal funding for programs for people with disabilities needs to come with requirements to adhere to guardrails
• Historically, major disability laws have passed with bipartisan support (ADA, IDEA, ESSA, HEA, ABLE).
  • NDSC works to encourage bipartisan support for legislation benefitting individuals with disabilities
Midterm Elections

Who is up for re-election?

• All US Representatives (435 seats)
• 1/3 of all US Senators
• State and local offices

MIDTERM ELECTION 2018
OPEN SEATS

Senate 33
House of Representatives 435
Governorships 14
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 argue 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 under this Administration and Congress

• 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, medical transportation
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 –
  • 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

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 integrated into the community and earn competitive wages?
• What would you do to increase work opportunities for people with disabilities?
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 incumbent tried to influence Department of Ed? (e.g., letters against rollback of regs, pushing for strong state ESSA plans?)
- Possible IDEA reauthorization (we do NOT want this 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 IDEA should be reauthorized in the immediate future? If so how much federal oversight would you include to protect student rights?
• 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 ensure that IDEA rights and ESSA accountability are required when any public funds are used for private schools?
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](http://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

• 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, Q&A sessions, Facebook live sessions
- Resources from other disability and civil rights organizations
- Issue-specific political action committees and endorsements
  - Example: [https://healthcarevoter.org](https://healthcarevoter.org)
- For incumbents (currently in office), look at former statements and voting record
  - [https://www.govtrack.us/congress/votes](https://www.govtrack.us/congress/votes)
Voter Guide Examples

• Federal level
  • Example: https://www.aapd.com/advocacy/voting/rev-up-issues-guide/

• State level
Get out and VOTE!
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

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

<table>
<thead>
<tr>
<th>State</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>10/22</td>
</tr>
<tr>
<td>Alaska</td>
<td>10/7</td>
</tr>
<tr>
<td>Arizona</td>
<td>10/9</td>
</tr>
<tr>
<td>Arkansas</td>
<td>10/9</td>
</tr>
<tr>
<td>California</td>
<td>10/22</td>
</tr>
<tr>
<td>Colorado</td>
<td>11/6 (Election Day)</td>
</tr>
<tr>
<td>Connecticut</td>
<td>10/30</td>
</tr>
<tr>
<td>DC</td>
<td>11/6 (Election Day)</td>
</tr>
<tr>
<td>Delaware</td>
<td>10/13</td>
</tr>
<tr>
<td>Florida</td>
<td>10/9</td>
</tr>
<tr>
<td>Georgia</td>
<td>10/9</td>
</tr>
<tr>
<td>Hawaii</td>
<td>11/6 (Election Day)</td>
</tr>
<tr>
<td>Idaho</td>
<td>11/6 (Election Day)</td>
</tr>
<tr>
<td>Illinois</td>
<td>11/6 (Election Day)</td>
</tr>
<tr>
<td>Indiana</td>
<td>10/9</td>
</tr>
<tr>
<td>Iowa</td>
<td>11/6 (Election Day)</td>
</tr>
<tr>
<td>Kansas</td>
<td>10/16</td>
</tr>
<tr>
<td>Kentucky</td>
<td>10/9</td>
</tr>
<tr>
<td>Louisiana</td>
<td>10/9</td>
</tr>
<tr>
<td>Maine</td>
<td>11/6 (Election Day)</td>
</tr>
<tr>
<td>Maryland</td>
<td>10/16</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>10/17</td>
</tr>
<tr>
<td>Michigan</td>
<td>10/9</td>
</tr>
<tr>
<td>Minnesota</td>
<td>11/6 (Election Day)</td>
</tr>
<tr>
<td>Mississippi</td>
<td>10/9</td>
</tr>
<tr>
<td>Missouri</td>
<td>10/10</td>
</tr>
<tr>
<td>Montana</td>
<td>11/6 (Election Day)</td>
</tr>
<tr>
<td>Nebraska</td>
<td>10/26</td>
</tr>
<tr>
<td>Nevada</td>
<td>10/18</td>
</tr>
<tr>
<td>New Hampshire</td>
<td>11/6 (Election Day)</td>
</tr>
<tr>
<td>New Jersey</td>
<td>10/16</td>
</tr>
<tr>
<td>New Mexico</td>
<td>10/9</td>
</tr>
<tr>
<td>New York</td>
<td>10/12</td>
</tr>
<tr>
<td>North Carolina</td>
<td>10/12</td>
</tr>
<tr>
<td>North Dakota</td>
<td>None — just bring ID</td>
</tr>
<tr>
<td>Ohio</td>
<td>10/9</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>10/12</td>
</tr>
<tr>
<td>Oregon</td>
<td>10/16</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>10/9</td>
</tr>
<tr>
<td>Rhode Island</td>
<td>10/7</td>
</tr>
<tr>
<td>South Carolina</td>
<td>10/17</td>
</tr>
<tr>
<td>South Dakota</td>
<td>10/22</td>
</tr>
<tr>
<td>Tennessee</td>
<td>10/9</td>
</tr>
<tr>
<td>Texas</td>
<td>10/9</td>
</tr>
<tr>
<td>Utah</td>
<td>10/30</td>
</tr>
<tr>
<td>Vermont</td>
<td>11/6 (Election Day)</td>
</tr>
<tr>
<td>Virginia</td>
<td>10/15</td>
</tr>
<tr>
<td>Washington</td>
<td>10/29</td>
</tr>
<tr>
<td>West Virginia</td>
<td>10/16</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>11/6 (Election Day)</td>
</tr>
<tr>
<td>Wyoming</td>
<td>11/6 (Election Day)</td>
</tr>
</tbody>
</table>
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 most 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
    https://www.rockthevote.org/voting-information/find-your-polling-place/
  • 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

• Photos outside polling place with your “I voted” sticker are fine!
Self-Advocates Need to Vote!

• Help them understand the policy issues and what’s at stake
  • Tuesdays with Liz Webshow
  • 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)

• SA voter campaigns
  • RevUp Campaign
  • #CriptheVote

• Voting resources for SAs
  • University of Montana resource list: http://rtc.ruralinstitute.umt.edu/advocacy-voting-resources/
AAPD’s RevUp Campaign

- [https://www.aapd.com/advocacy/voting/](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 Newsline emails

• Action Alerts
  • [https://www.ndsccenter.org/political-advocacy/take-action-stay-informed/](https://www.ndsccenter.org/political-advocacy/take-action-stay-informed/)

• Facebook
  • [https://www.facebook.com/dsadvocates/](https://www.facebook.com/dsadvocates/)

• Twitter
  • [@policyupdates](https://twitter.com/policyupdates)
• 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?

Heather Sachs  
NDSC Policy Director  
heather@ndscccenter.org

Ricki Sabia  
NDSC Senior Education Advisor  
ricki@ndscccenter.org

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

For more info about our policy agenda and resources, visit:  
https://www.ndscccenter.org/political-advocacy/