People with Disabilities and the Power of the Vote

People with disabilities voted in record numbers during the 2008 presidential election. Even so they still voted in significantly lower numbers than the general public. Approximately 64 percent of registered voters without disabilities voted, compared to only 57 percent of registered voters with disabilities.

If people with disabilities voted in greater numbers they could have a formidable impact on elections. For example, compare the number of voters with disabilities to another powerful voting bloc, older Americans.

Politicians actively court the senior crowd because they know older Americans vote! Over 72% of registered voters age 65 to 74 and nearly 68% of registered voters 75 and older voted in the 2008 election.

There are currently about 53 million Americans with disabilities, making them the largest minority group in the nation today. Imagine if the nearly 2 million people age 18 to 64 voted in the same kind of numbers as older Americans. Add to that the millions of parents of kids with disabilities and you can see that the potential impact of the disability voting bloc is enormous.

The turn-out for mid-term elections is traditionally low. That is unfortunate considering the importance of the coming election for Kansans. Besides the federal offices of U.S. Senator and the 2nd District U.S. House member we will have
numerous important state level races to vote on. The election will decide who our next Governor will be, as well as, our next Attorney General, Secretary of State and State Treasurer. All the members of the Kansas House of Representatives are also up for election.

The state of Kansas makes it easy for people with disabilities to participate in the electoral process. Anyone can vote by advanced ballot, but Kansans who have a disability that limits their ability to get to the polls can vote by permanent advance ballot. People who vote using the permanent advance voting ballot automatically receive their advance ballot in the mail as long as you don’t miss more than two elections. Voters who use the advance ballot can vote by mail, by going to their county election office or by going to their designated polling place on Election Day. The Shawnee County Election Office will be open extended hours to accommodate advance voters from October 19th through the 29th from 8 a.m. to 8 p.m.

You still have time to get an advance ballot for the upcoming election. October 29th is the deadline for voters to apply for advance voting ballots to be mailed. Advance voting ballots can be cast in person at the County Election Office until Noon on November 1st and all advance ballots must be received in the County Election Office by close of polls on Election Day, November 2nd.
**KANSAS**

**Voter’s Rights and Responsibilities**

**RIGHTS**
As a Kansas elector, you have the right to:

- Ask questions
- Request a ballot if you are:
  - a United States citizen
  - 18 years or older
  - a Kansas resident
  - registered to vote
- Vote a provisional ballot if your name is not on the voter registration list or if there is another question about your qualifications to vote
- Vote in an accessible voting place, and receive assistance if needed
- Review a sample ballot before voting
- Mark your ballot privately and free from coercion or intimidation
- Receive instructions on how to contact the appropriate officials if these rights are alleged to have been violated
- Receive a ballot if you are in line at the time the polls close
- Obtain up to two replacement ballots if yours is mismarked or spoiled
- Occupy the voting booth up to five minutes if others are waiting
- Have your ballot count if it is cast legally and timely

**RESPONSIBILITIES**
As a Kansas elector, you have the responsibility to:

- Register to vote at least 15 days before the election
- Provide identification if you are a first-time voter in the county and have not already provided identification
- Respect the privacy and voting rights of others
- Read and follow instructions
- Follow all federal and state voting laws
- Follow voting procedures established by the county election officer and precinct election board workers
- Report illegal activities such as electioneering, denial of voting rights, bribery, fraud, misrepresentation or other alleged election crimes to the precinct election board, the county election officer or the secretary of state
- Review your ballot before casting it to ensure it is complete and correct
- Treat election workers and other voters with courtesy and respect
- Be informed about the candidates and issues on the ballot
- Keep your voter registration and address records current in the county election office
VOTING INSTRUCTIONS

- State your name
- Sign the poll book
- Upon request you may receive assistance in signing your name or in voting
- Provide valid identification if requested
- Mark your ballot
- Make sure the ballot is complete and accurate, then cast it
- Exit the polling place

PROVISIONAL BALLOT VOTING INSTRUCTIONS

- Complete a new voter registration card
- Mark your ballot and seal it in the envelope provided
- Sign the statement on the envelope
- You will receive information about how to find out whether your ballot counted and, if not, why.

Prepared by the Office of Secretary of State Ron Thornburgh
1-800-262-8683
K.S.A. 25-2706(d)

For more information on the Vote Yes on 2 initiative read the article on page 11.
The Kansas Residential Landlord and Tenant Act (K.S.A. §58-2540 et seq.) is the state law that spells out what landlords and tenants can and cannot do. There are a lot of parts to the law, but here are some general guidelines for what the law says landlords must do.

**Take care of the place.** Landlords have to maintain the place in a safe, habitable condition, including a unit’s electrical, plumbing, heating, and any appliances that come with the unit. A landlord cannot do anything that keeps a tenant from accessing utility services, including supplying running water and heat, although tenants may have to pay part or all of the utility bills.

**Take care of problems.** Landlords are responsible for maintaining the peace at their properties, by taking reasonable actions to keep other tenants from disturbing the quiet enjoyment of others.

While a landlord can come into a unit to make inspections, repairs, or to show the unit to potential tenants, a landlord must provide a tenant with reasonable notice, and can only come in at reasonable hours. In an emergency situation, the landlord or workers can come into the unit to make repairs to prevent loss of life or property damage.

These aren’t all the rules for landlords, but these are some good guidelines for how landlords are expected to behave according to the Kansas Residential Landlord/Tenant Act.

If you have questions about your housing or fair housing rights, give your TILRC advocate a call, or contact our intake advocate, Crystal, to be referred to an advocate to help you.

Ami is the Assistant Executive Director and General Counsel to Topeka Independent Living Resource Center. Prior to re-joining Topeka Independent Living Resource Center in February 2003, Ami was a civil trial lawyer in private practice, served as a staff attorney for the Kansas Supreme Court’s Office of Judicial Administration, and spent a summer as a licensed legal intern with Equip for Equality, the protection and advocacy agency for people with disabilities in the state of Illinois.
SERENE, ACCESSIBLE ENSLEY GARDENS OFFERS A VARIETY OF OUTDOOR ENJOYMENT

If you love flowers or enjoy a quite walk, the beautiful Ted Ensley Gardens on the west side of Lake Shawnee provide an enjoyable and accessible outdoor experience throughout the year.

Accessible parking and restroom facilities are provided at the picnic pavilion at the northwest end of the gardens and the Garden House Shelter House at the southeast end.

The wide variety of annual and perennial flowers that are in bloom at various times throughout the growing season create an ever-changing canvas of color. The soothing sound of running water from the streams and ponds, the melodious sound of birds singing, and the scent of blooming flowers add to the relaxing ambiance of the gardens.

The accessible trail that circles Lake Shawnee runs along the west edge of the gardens.

The gardens, which cover 20 acres on a sloping bank on the lake shore, are criss-crossed by meandering walkways that are designed to have as gentle a slope as practicable. Most of the garden is accessible by people who use a wheelchair. Where there are stairs they are designed with steps that have large treads.

The picnic pavilion at Ensley Gardens

The gardens contain numerous water features including this fountain.
with contrasting colors and a low rise to accommodate people who use a walker or cane or who have low vision. All areas that are accessible only by stairs can be viewed from another wheelchair accessible location in the garden. Raised features in the garden, such as flower beds and fountains, are built at a height to accommodate wheelchair users.

An accessible, tiered deck provides an excellent view of the lake. The many amenities, which include a pergola by a pond in the center of the gardens, the gazebo by the rose garden and the nearby Garden House Shelter House make the Ensley Gardens a popular location for weddings and similar celebrations.

Even in winter when no flowers are in bloom the variety of colors and textures of the many plants, trees and landscape features and the ducks and geese swimming on the lake provide an interesting and enjoyable outdoor experience.

*One of the two stepped walkways in the gardens. All other walkways are wheelchair accessible.*

*The pergola at the Ensley Gardens is a popular spot for wedding receptions like the one pictured here.*
On October 8, 2010 Department of Social and Rehabilitation Services (SRS) Secretary Don Jordan addressed advocates from across the state at an SRS Stakeholders meeting to discuss the budget request the department plans to submit to the next Legislature.

To address continued overspending and the reduced amount of federal money sent back to the state, SRS will need an additional $15 million.

This additional money will not have a significant impact on the HCBS Waiver program’s current waiting lists, but hopefully will prevent the situation from worsening.

Enhancements or additional money that SRS is requesting for FY 2012 include:

- An additional 11 million for the Developmental Disabilities (DD), Assistive Technology, and Traumatic Brain Injury (TBI) HCBS Waivers,
- $3.4 million to restore the eligibility period for the MediKan and General Assistance Programs from the current 12 months back to the original 24 months. Many of the people who rely on these programs are waiting for federal disability benefits which can easily take over 24 months. In the meantime these programs are the only assistance they receive.
- $4.5 million to restore funding for state Mental Health Grants that allow Community Mental Health Centers to serve people, who do not have the means to pay for services,
- Nearly $11 million to restore funding for Developmental Disabilities Grants that provide services like early childhood intervention, housing and transportation for people who aren’t eligible for the DD Waiver,
- $0.5 million to restore funding for Dental Services on the Physical Disabilities (PD), DD and TBI Waivers,
- Nearly $9 million funding to fill 230 SRS Direct Service Staff. Budget cuts have reduced the number of SRS staff providing direct services to consumers by over 15%
- About $300, 000 in restored funding for Centers for Independent Living,
- $0.5 million to restore 2011 funding cuts to the Mental Health Community Medication Program that helps people pay for high cost and atypical antipsychotic drugs,
- $0.75 million in restored funding for the Funeral Assistance program. Funding for this program had been eliminated in the FY 2011 budget.

SRS is also required to submit a Reduced Resources budget proposal in the event that additional budget cuts are needed. In the unfortunate event this proves necessary there would be further cuts to already struggling Community Mental Health Centers and funding for DD Day and Residential Grants. Kansas Early Head Start and the General Assistance Programs would be completely eliminated. Secretary Jordan said that the SRS budget had already been “cut to the bone” long ago and that these cuts would be truly “draconian”!

SRS Budget Outlook

January 2010
TILRC WELCOMES NEW IL ADVOCATE, KELLY THIBAULT

TILRC is happy to welcome our newest Independent Living Advocate, Kelly Thibault.

Kelly is a recent Washburn University graduate. She graduated with a degree in social work and a minor in psychology.

Before coming to work at TILRC Kelly worked with preschool age children at HeadStart.

Kelly says, “Having a disability myself,” she wanted the opportunity to “work with others who have disabilities and hopefully make a difference in their lives by trying to hook them up with resources that can help them in their daily lives.”

She enjoys discovering new resources that she can share with her consumers that help them to be more independent.

When she’s not at work Kelly enjoys the outdoors. This time of year you are apt to find her at a K-State Wildcat’s football game. Kelly also enjoys travel and just hanging out with family and friends.
A NEW DAY FOR AMERICAN CONSUMERS

September 23, 2010, represents a new day for American consumers in our health care system. This is the day a series of new rights, benefits, and protections under the Affordable Care Act will begin to bring to an end some of the worst abuses of the insurance industry. Combined, these new provisions will put consumers, not insurance companies, in charge of their health care. Below is a brief summary of the new restrictions for insurance companies and new rights for consumers beginning to take effect:

**Insurers Will No Longer Be Able To:**

- **Deny coverage to kids with pre-existing conditions.** Health plans cannot limit or deny benefits or deny coverage for a child younger than age 19 simply because the child has a pre-existing condition like asthma.

- **Put lifetime limits on benefits.** Health plans can no longer put a lifetime dollar limit on the benefits of people with costly conditions like cancer.

- **Cancel your policy without proving fraud.** Health plans can’t retroactively cancel insurance coverage – often at the time you need it most - solely because you or your employer made an honest mistake on your insurance application.

- **Deny claims without a chance for appeal.** In new health plans, you now have the right to demand that your health plan reconsider a decision to deny payment for a test or treatment. That also includes an external appeal to an independent reviewer.

**Consumers in New Health Plans Will Be Able To:**

- **Receive cost-free preventive services.** New health plans must give you access to recommended preventive services such as screenings, vaccinations and counseling without any out-of-pocket costs to you.

- **Keep young adults on a parent’s plan until age 26.** If your health plan covers children, you can now most likely add or keep your children on your health insurance policy until they turn 26 years old if they don’t have coverage on the job.

- **Choose a primary care doctor, ob/gyn and pediatrician.** New health plans must let you choose the primary care doctor or pediatrician you want from your health plan’s provider network and let you see an OB-GYN doctor without needing a referral from another doctor.

- **Use the nearest emergency room without penalty.** New health plans can’t require you to get prior approval before seeking emergency room services from a provider or hospital outside your plan’s network – and they can’t require higher copayments or co-insurance for out-of-network emergency room services.

For more information on the provisions of the Affordable Care Act that went into effect on September 23, 2010 visit: http://www.healthcare.gov/news/factsheets/overview.html.
Do you have something to sell or would you like to submit a letter or an editorial?

Do you have some disability-related items or equipment you don’t need anymore, but is still in good condition? We can advertise it for you in We The People. Just call, write or e-mail Kevin with a description and a person to contact. There is no charge for people with disabilities.

Placing a letter or an editorial in We The People is a good way to express your feelings and ideas on issues to people in the community especially in the Topeka and Shawnee County area.

Kevin Siek
785-233-4572
ksiek@tilrc.org
Topeka Independent Living Resource Center, Inc.
501 SW Jackson St., Suite 100
Topeka, KS 66603-3300

Help end the stigma and protect the voting rights of Kansans with mental illness

Constitutional Amendment Question Number Two on the November ballot gives voters the opportunity to end the discriminatory and stigmatizing language in the Kansas Constitution that currently allows the Kansas Legislature the authority to deny Kansans with mental illness the right to vote.

When Kansas became a state in 1861 the causes of mental illness were poorly understood and many people with psychological disabilities were isolated in “asylums.” Today, most Kansans with psychological disabilities work, pay taxes and are active participants in community life.

The current Constitutional language concerning voters with mental illness is vague and could potentially affect one in five Kansans with some form of psychological disability, including anxiety, depression and even our veterans living with post-traumatic stress syndrome.

This non-controversial change to the state constitution is supported by most members of the Kansas Legislature and both the Republican and Democratic candidates for governor.

Your yes vote on Amendment Two will help reduce the stigma of mental illness and ensure the right to vote for Kansans with psychological disabilities.

For more information vist the Vote Yes on 2 web site at: http://protectvotingrights.com/.
Let us know about any changes.
Just check the appropriate box and mail the form back to us at:
Topeka Independent Living
c/o Kevin Siek
501 SW Jackson St.
Topeka, KS 66603

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