

# Catskill Center for Independence

Fall 2007

## “What a Long Strange Trip it’s Been”

Charles Reichardt  
Systems Advocate

The immortal words of the late, great Jerry Garcia seem more than appropriate when reflecting on my experience at the voting booth last November. As our faithful readers know, the Help America Vote Act (HAVA) was enacted subsequent to the difficulties stemming from the 2000 presidential election. Also, as our faithful readers know, much of the federal law deals with making elections and voting accessible to all citizens, including citizens with disabilities.

Being that New York is dead last in the country in its implementation of HAVA and has missed every federal deadline for implementation, the Department of Justice stepped in and sued New York State for not only its lack of implementation but for its failure to have any coherent implementation plan.

Enter “Plan B” the ingenious plan that was to serve as a temporary solution while NY got its act together for 2007. Which, by the way isn’t happening but that’s another article!

So back to my journey. I live in Unadilla. I usually vote right down the street at a polling site Wilson, my trusty service animal and I can get to on our own. But, I was told I had a chance, finally, for the first time in my life to use an accessible voting machine and cast my ballot privately and independently.

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## To HAVA and HAVA Not: The Almost, Somewhat, and Not Quite Efforts at HAVA Compliance in New York State

Helen Benlisa  
Project HAVA Coordinator

At a recent meeting of the State Board of Elections (SBOE), the commissioners reached a bi-partisan agreement to prepare yet another revised plan for implementation of the Help America Vote Act (HAVA). Plan C, as we shall refer to it, will require the county boards, after giving their counsel and consent, to provide a ballot marking device (BMD) that is fully accessible to voters with disabilities at every poll site in New York State in time for the September 2008 primary.

While it looks almost good on paper, the plan is, unfortunately, flawed. If the idea is to comply with HAVA in terms of machines being fully accessible to people with a wide range of disabilities then BMDs, for a variety of reasons, do not quite fit that bill. Another idea of HAVA compliance is to accurately record and count the votes cast by every voter at each polling site, but BMDs, unless they are the type that mark a scan-able ballot which then gets fed into a scanner at the polling site, may only provide a printout that is placed in an envelope and gets counted along with absentee ballots. Absentee ballots, in many counties, do not get counted until days or even a few weeks after the election.

See anything wrong with the picture yet?

Then, let us point out the problem with certification. What the SBOE hopes to do here is push the certification process through more quickly, and perhaps through less rigorous channels, bypassing the state’s own very high standards so long lauded in election circles. We won’t even mention the full-face ballot (FFB) regulation on the election books in New York State which some of the existing BMDs cannot accommodate. New York’s need for a FFB has narrowed the field of possible voting machine choices considerably; we are the only state that still has this requirement. One good thing is disability groups and advocates have longed to do away with this requirement for ages and this might be a beginning for change to come.

But then, after all the work on all sides for getting these thousands of BMDs in place for 2008 elections is done and new fully equipped voting machines are certified and slated to be installed in 2009 (maybe), what happens to those BMDs? Will they get tossed out with yesterday’s news? Will there be enough funds to pay for both the disposable devices and the permanent machines?

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Then I was told that voting machine was in Middlefield, about 45 miles from my house. Now, being blind, NYS refuses to give me a driver's license. And, there was no public transportation available. I checked with a couple of cab companies and found it would cost me almost \$100 round trip to be able to go vote! Thankfully I was able to convince my wife that after a long day at work she really did want to drive me the 90 mile round trip so I could vote independently...that's why I love her!!

So, off we went to Middlefield to the county board of elections building. Upon arriving we didn't let the lack of light or any sign of life deter us. We didn't even mind that the required signs identifying it as a polling site were nowhere to be found. At the main entry we found it was locked. But wait, what was that I just tripped over?? I think it's one of those bright orange cones used at construction sites. I say I think because of course I can't see it. Nor can I read the handwritten note that's taped to the cone. Thankfully, once again, my dear wife was there to read the sign for me and tell me that the handwritten piece of paper said we should go to the door by the flag and an arrow pointed to the left.

So OK, to the left, or so we thought. The simple left turned out to be all the way around the building and required us to travel down an unlit walkway. Aha! Being blind does occasionally come in handy. Me and my cane were able to help my wife traverse the by now very dark, (or so my wife told me, how was I to know?) wet and uneven walkway all the way around the building to another entrance.

This other entrance, which was locked by the way, had another handwritten sign that said "ring bell to vote"...or so I'm told. After we rang the bell a couple of times someone finally answered. Now, my wife, who has an orthopedic disability was already in quite a bit of pain from our trek around the building found we had to climb the stairs immediately inside this entrance before walking down the long hallway. When we complained about the unlit path, inaccessible entry, lack of signage and locked door to the board of elections representative her only reply was, "I never thought of that!"

Despite all the barriers that I encountered I was still excited at the prospect of being able to cast a private vote independently just like everybody else. Once inside we were led to a separate office to the "temporary" voting machine as the election official called it. Marking the ballot using the accessible audible technology worked great. I had finally voted by myself for the first time and no one knew who I voted for.

Or so I thought! Once I finished marking the ballot, much to my surprise it was printed out on a printer across the room. The election official picked up the ballot, which she could read or not read, as the spirit moved. She put my ballot in an envelope that had been filled out with my name and address. She then asked me to sign the envelope. So now my not very private ballot was in a sealed envelope with my name on the outside. I was devastated. What happened to "private and independent"?

Why did we make a 90 mile round trip for this? My vote was no more private and independent today than if I had gone with Wilson to my local polling site and had two poll workers come into the booth with me and help me cast my vote.

And to make matters all that much worse I found out later that my vote, the one in the envelope with my name and address written on it, was put in a pile with all the absentee ballots. Since absentee ballots are almost never counted on the day of the election, my vote was not counted on Election Day. For all I know it still hasn't even been counted!

So much for Plan B! And now we're stuck with this same system for 2007, probably 2008 and who knows how long after that? Don't do me any favors with the Plan B. Plan B only serves to give the impression of an inclusive system to those who don't look at it too closely. For those of us who truly long for a day when we can cast a private, independent vote it's, well...it's insulting to say the least. And what a long strange trip it's been.

### **State refuses to restrict the use of paper ballots**

Rochester Democrat & Chronicle By DAN WIESSNER  
Albany Bureau (August 17, 2007)

The state Board of Elections on Thursday struck down a proposal that would have allowed only people with disabilities to use paper ballots.

Currently anyone can use the ballots, instead of lever voting machines, if they so choose. At a meeting earlier this month, election officials proposed prohibiting use of ballots unless a voter is disabled. But opponents said the measure would have hindered disabled voters by forcing them to sign up to use the ballots and prove they were actually disabled. Further, people who don't have disabilities may want to use the ballots because, for example, they're translated into different languages. The proposal would have also broken federal law, which says that polls can't be segregated, according to Bo Lipari of New Yorkers for Verified Voting. A 2002 federal law mandated that states replace lever machines because they are inaccessible to the disabled. New York was the only state that missed the Sept. 1, 2006, deadline to adopt new technology. State law had prohibited the use of lever machines after Sept. 1 of this year, but earlier this month Gov. Eliot Spitzer signed a bill that will allow local boards to use the machines until the state adopts electronic technology. An advocate for the blind said disabled voters are still disenfranchised by the state's election methods.

"(Mailings and ballots) must be in an accessible format for disabled voters. When a special election comes, we get a postcard," said Michael Godino of the American Association of the Blind of New York. "(A blind person) should be able to choose between Braille, a phone call, etc." Lipari said the main issue is ensuring there are paper-ballot stations at every polling site. State law dictates there must only be one in each county.

## **Poll Access for the Disabled**

### **Gotham Gazette Article on HAVA Implementation**

By Andrea Senteno and Doug Israel - 23 Aug 2007

A year ago, disabled New Yorkers welcomed a historic change in voting law that allowed them to exercise a right many New Yorkers take for granted - casting an independent and confidential vote.

"This year...was one of the first opportunities for many individuals with disabilities to utilize voting technology to exercise an independent and private ballot," said Matthew Sapolin, commissioner of the Mayor's Office for People with Disabilities and former co-executive of the Queens Independent Living Center after the 2006 election.

The changes, implemented for last year's primary and general elections, let people vote using new "ballot marking" voting devices at special poll locations across the city. These same devices will probably be used for at least the next few elections. But while many in the disabled community hailed the use of ballot marking devices last year, they are not pleased that what was intended to be an interim solution now seems to be in place for the foreseeable future. In particular they are concerned that the law only requires one such device per county and that traveling to it can be time consuming and difficult.

This is far less than the federal Help American Vote Act (HAVA) requires. That law mandates that every poll site have at least one accessible voting machine and that every poll site be handicapped-accessible

So far, though, New York has been unable to meet HAVA's requirements. In recognition of that, Governor Eliot Spitzer recently signed into law an extension of the September 1, 2007 deadline passed by the legislature back in days when even that date seem like procrastination. The new legislation will allow New York State to continue to use its old-fashioned lever machines until a new voting system is implemented. It will also once again require that the Boards of Elections across the state provide disabled voters with the opportunity to use interim voting technology - the ballot marking devices - to vote independently and privately.

### **Ballot Marking Devices**

Historically, voting systems across the nation have not allowed disabled citizens to vote without the aid of a poll worker, friend or family member. In New York, the lever machines that have been in use since 1892, in one form or another, have not provided full accessibility for disabled voters.

Under HAVA, passed in response to the problems that plagued the 2000 elections, states are required to provide new voting technology that would allow disabled voters to vote much like voters who are not disabled. Ballot marking devices are one technology that helps accomplish this goal.

Ballot marking devices are most often used with paper ballot optical scan voting systems, and are equipped with various functions and capacities, such as audio recordings of the ballot, compatibility with sip and puff devices, rocker paddles with foot controls, large font displays and voice activated, voice output technology, to allow disabled voters to cast their own votes without assistance. For New York's 3 million people living with disabilities, this technology can be revolutionary.

The device acts as a "computerized marking pen" which produces a marked paper ballot. These ballots can be dropped in a ballot box and counted by hand or be cast using an optical scan machine. It is guarded from onlookers by a "privacy sleeve" as it travels from the ballot-marking device to the box or scanner at the poll site.

In 2006, after the U.S. Department of Justice sued New York State for non-compliance with HAVA, the state implemented what is referred to as "Plan B" to partially comply with the disability requirements of HAVA. Every county in New York State - or borough in New York City - was required to establish at least one polling location with ballot marking devices in time for the 2006 primary elections.

As a result, the 2006 election marked the first time many disabled voters had the opportunity to vote privately and without assistance in New York State.

That year, the New York City Board of Elections set up five "super poll sites" -- one in each of the Board of Election borough offices-that would include these machine. At an estimated \$4,500 apiece, New York City purchased 22 Avante Vote Trakker devices - five each for Manhattan, Queens, and Brooklyn, four in the Bronx and three on Staten Island.

The city Board of Elections reported that during the 2006 primary election 580 people voted using a ballot- marking device. For the general election, the number increased to 1,201. Based on Accessibility exit polls, the large majority of these voters were not disabled, but simply used the equipment because it was convenient.

Several advocacy groups attributed the perceived low turnout among the disabled to the location of the machines. They also said the city Board of Elections did not adequately alert the disabled community about the devices.

### **Location, Location, Location**

While Commissioner Sapolin may have been speaking for many disabled voters when he said he was thrilled that ballot marking devices provided him with his "first opportunity to cast an independent ballot," disability advocacy groups have criticized the city Board of Elections. They were less than thrilled that elections officials used borough offices as super poll sites, instead of fanning out the 22 ballot marking devices to more convenient locations across the city. Borough offices, advocates argue, while convenient for the board staff, are inconvenient and even inaccessible for many disabled voters.

*See Poll on page 4*

*HAVA continued from page 1*

We won't even mention the physical accessibility of polling sites in this state. Though every polling site should have already been accessible eons ago, having an accessible BMD in each of New York's 6,500 plus polling sites necessitates these sites be physically accessible to voters with disabilities. After all, what good is a BMD if a voter couldn't get into the building to use it?

Deadlines are looming and the clock is ticking. The SBOE has informed the Department of Justice (DOJ) "it would appear impossible to replace the lever voting machines in 2008." Certainly the SBOE has to make an effort to respond to the lawsuit and to comply with HAVA. Funding for this state's election overhaul could be in jeopardy unless some action is taken and progress is made. If time and money run out, we might be left with old lever machines and sub-standard BMDs. HAVA compliance won't have been achieved, voters with disabilities and others who stand to benefit from the accessibility and multiple language features will remain marginalized. Separate but equal is not equal. And for many, private and independent voting will still be out of reach.

### **New Face at the Center**

My name is Meghan and I just started working at the Center in June. I am the Office Assistant here, so basically my job is just to help make everyone else's day run a bit smoother. I recently moved to Oneonta from a small town and it's been a big change. But I'm finally starting to adjust to it. I grew up in a town called Middleville. I graduated from West Canada Valley in 2003, and then I went to Herkimer County Community College. During school, I worked in a nursing home in Little Falls as a cook. After a few years of that, I received my C.N.A. certification. Then I moved to Oneonta and gave up the nursing home idea. I wanted a job that was just Monday thru Friday. When I first moved here I worked at The New York Susquehanna and Western Railroad in Cooperstown. I needed to work a little bit closer to home so now I have finally settled at The Catskill Center for Independence. I enjoy my job and the people that I work with. In my free time I like to be outdoors doing pretty much anything. I really enjoy camping and riding motorcycles, and being around my friends and family. I'm very happy to be working here at the center and look forward to all the new adventures that it may bring.

### Our Newsletter on Tape/E-Mail

Would you like to receive our newsletter on tape or via email? There is no charge for either service, though it is helpful if those who are receiving the tapes return them if they are just planning to throw them away.

Please contact the Center at 607-432-8000, or you can e-mail us at [ccfi@ccfi.us](mailto:ccfi@ccfi.us) if you would be interested in this service.

*Poll continued from page 3*

An informal analysis shows that of the five Board of Elections borough offices, only one, Brooklyn, is near a handicap accessible subway station. "The main problem is the amount of travel involved, the lack of understanding of how long it can take a person to get from point A to point B in a neighborhood you don't now," commented Aaron Belisle, voter education and access coordinator for the Center for Independence of the Disabled, NY. For voters who live in the far corners of Queens or Brooklyn, getting to a poll station may be more than they bargained for, requiring them to travel long distances on the train and transfer to buses or negotiate transportation through Access-A-Ride. Trips can take up to half a day for some voters.

Transportation was not the only barrier. "People were turned off because the process segregated the [disability] vote, you had to go to a separate location while everyone else could go down the block to vote," said Belisle. "The BOE said there was low turnout, but it wasn't the result of disinterest by the disabled community."

The state Board of Election has apparently heard some of these objections. After receiving over 500 public comments, it recently voted down a proposal that would have further segregated the disability vote by only allowing "disabled" people to use the ballot marking devices.

### **Computer Classes**

If you are interested in learning a little something about using computers or surfing the "Net", please call Ed at the Center to sign-up. Spaces and times are limited, so don't hesitate to call us at 607-432-8000, or email us at [ccfi@ccfi.us](mailto:ccfi@ccfi.us)

### **Lending Closets**

The *Catskill Center for Independence* is one of several area agencies to maintain a "lending closet." Among the items to lend are wheelchairs, walkers, canes, crutches, etc. A small list of other participating agencies with a point of contact follows:

Delaware County Public Health Nursing - Marcia Bagley,  
607-746-8282

Delaware Regional Center  
607-865-6551

Hamilton's Farm - Penny Hamilton  
607-746-2057