



Does This Sound Like a Broken Record?

Chris Zachmeyer
Executive Director

Well here we are again, preparing for another election season with the primary just around the corner and we still need to ask that old tired question, "Are your civil rights being violated?" Can you enter your polling place independently? Can you cast your ballot independently and in private? Sadly, for many the answer is still "No".

The optimists among us assumed that with the passage of the Help America Vote Act (HAVA) in 2002, the electoral process would finally be accessible to all of our citizens by primary day 2006. The pessimists made fun of the optimists saying that it would never happen. The rest of us took a "wait and see" stance while trying our best to be part of the process to see HAVA effectively implemented by the deadline.

And today, no one is pleased with where we've ended up.

As the article "NYS HAVA Update" elsewhere in the newsletter discusses, New York State is now under a judge's order that has determined how HAVA will be implemented. New York State is dead last in the country in its progress toward the implementation of HAVA. While the intent of this article is not to lay blame, rest assured there is plenty of blame to go around. HAVA was passed in 2002 with an implementation deadline of primary day, 2006.

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New York State HAVA Update

Helen Benlisa
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Last February the Department of Justice (DOJ) filed suit against the New York State Board of Elections (NYSBOE) for failing to implement HAVA in this state. The DOJ requested the NYSBOE to develop a plan for HAVA implementation since the State is so woefully behind in that regard. New York is the last state in the union, as a matter of fact, to get the HAVA ball rolling.

The NYSBOE submitted the plan to the court on April 10, 2006, outlining the steps to be taken toward compliance. Because the State has not certified any machines to this point, and even if they did it would be impossible to have them ordered, delivered, tested, etc. before the Primary election in September, an interim plan for HAVA implementation will be put into place known simply as "Plan B."

An addendum to the plan for compliance was submitted to the court on April 21, 2006, containing data collected from the County BOEs by way of a survey developed and distributed by the NYSBOE. The survey requested each county furnish the estimated number of voters with disabilities and number of voters likely to vote using absentee ballot. Besides the unfair and erroneous nature of the survey, the numbers on the NYSBOE's summary sheet can hardly be a realistic representation. Some counties did not respond to the survey because the questions were irrelevant. HAVA means equal access to voting for everyone. Regardless of whether a county can (or should?) positively identify only one voter with a disability or a thousand, equal access is still the point. It seems the NYSBOE was attempting to convey to the DOJ with this addendum the reasonableness of having centralized accessible polling sites as a temporary solution since doing this would keep the costs of purchasing interim accessible voting systems relatively low for each county, thereby not depleting the federal HAVA funding already earmarked for new voting systems.

The idea for Plan B is to designate at a minimum one, and perhaps more, accessible polling sites per county with one accessible ballot-marking device available to voters with disabilities. For the most part, these accessible sites will be the actual County BOE offices. Some counties are arranging transportation to get to the designated accessible sites. Call your County BOE for more specific information.

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HAVA was intended primarily to accomplish the following:

- Develop and implement a statewide computerized voter registration database
- Provide for alternate language accessibility
- Establish and implement an administrative complaint procedure
- Establish a statewide voter registration list
- Get rid of all lever and punchcard machines and replace them with new, accessible voting machine systems.

In order for New York State to implement the federal law, something called “enabling legislation” had to be passed. And this is where the real problems began. For more than two years our legislators in Albany seemingly couldn’t agree on anything concerning HAVA. They met often enough, they exchanged millions of words, but it wasn’t until July 12, 2005 that legislation was finally passed so this process could move forward.

Only it didn’t. Move forward that is. The ball was now in the New York State Board of Election’s court but maybe nobody told them. With only 14 months before primary day 2006 you would think one would have felt a bit of urgency to move forward. Once again, millions of words were exchanged but not much progress was realized. In fact, one of the requirements of the legislation passed in July, 2005 was the implementation of a Citizens Advisory Committee to assist the State Board of Elections in the implementation of HAVA. Well, to date this committee has yet to have its first official meeting. Right away there was trouble. The legislature was pretty clear who was supposed to be on this committee including mandating that the New York State Independent Living Council (NYSILC), a state-wide organization representing individuals with disabilities, must have a representative. In spite of dozens of attempts by NYSILC to get itself appointed, the State Board of Elections scheduled and announced the first meeting of the committee! NYSILC had to decide between two bad options; do nothing or file an Article 78, a legal proceeding prohibiting the committee from moving forward until a NYSILC representative was appointed. The Article 78 was filed, the judge ruled and a NYSILC representative was duly appointed to the committee. Time to go to work we thought but, as I said, this committee, established by the legislature, has yet to hold a meeting.

Enter the US Department of Justice (DOJ). In February 2006 the DOJ filed suit against New York State for its failure to implement HAVA, in fact, for its failure to even have a plan. The filing of this suit came only after the DOJ warned New York that they were considering this action more than a month earlier.

Now the judge has ruled and approved this “Plan B” for 2006 that serves no one. In this writer’s humble opinion, purchasing voting machines for 2006 that will, in all

likelihood not be used after November 2006, that are not accessible to a large segment of voters with disabilities, and having only one “accessible” machine (a few counties will have a few more) available in an entire county in one location in that county and expecting voters to make appointments so they can travel dozens of miles to vote, is utterly absurd!

Please don’t misunderstand, the finger is not being pointed at the local boards of elections. They have had their hands tied during most of this pathetic process and are now only following their marching orders. They are no happier with “Plan B” than disability advocates and people with disabilities are. In fact, many voters with disabilities and organizations representing voters with disabilities including the Catskill Center got together and filed something called a “motion to intervene” with the judge assigned to the case. Our intent was simply to have a seat at the table as the State Board of Elections and DOJ came to an agreement. By this time, we didn’t feel that either side could properly represent the issues of voters with disabilities so we hoped to do that ourselves.

Unfortunately Judge Sharpe is apparently uninterested in what we have to say. To date, he has ignored our motion while approving this ridiculous “Plan B”.

So, for those of you totally confused by all this, for 2006 New York State will implement “Plan B” and theoretically fully implement HAVA in 2007. We’ll see....

In the meantime, voters with disabilities continue to be denied access at the polls through inaccessible polling places, inaccessible machines, being required to make an “appointment” to vote, or by the unreasonable expectation that they should spend, in some cases hours, to travel to the “accessible” machine in their county that may or may not meet their needs anyway.

That is why we are, once again asking you to speak out. The State Board of Elections asked the local county boards of elections to “guess” how many voters with disabilities were in their county. The results are on the Center’s web site (<http://ccfi.us/hava/BOEAddendumtoplanApril212006.pdf>) but the numbers of voters with disabilities reported for our local counties are:

- Chenango - 0
- Otsego – 0-1
- Delaware – 6
- Broome – 5-10
- Greene – 0
- Madison – 2
- Schoharie – 40

Based on these numbers, one could believe that we really don’t have any of “those people” in our communities! But we know better! This newsletter alone is distributed to more than 2000 addresses and it’s high time we make people realize we exist.

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Voters and Disability, Civic and Civil Rights Groups Challenge State's Vote Plan in Court

Press Release
May 18, 2006

A broad coalition of disability, civic and civil rights organizations filed a motion to intervene in the lawsuit brought by the Department of Justice against New York State and its election officials.

The Help America Vote Act (HAVA) essentially aims to fix problems that surfaced in the 2000 presidential elections. Four to six million voters did not have their votes counted across the country in that year; large numbers lost the opportunity to vote due to problems in the registration process; voters with limited English proficiency were often denied the option of a provisional ballot; and 21 million voters with disabilities did not cast a vote. HAVA required that by 2006:

- all voters have the right to vote privately and independently
- every polling place have improved voting machines that are fully accessible for voters with disabilities
- the state have voter registrations systems capable of producing accurate voter rolls for Election Day.

The groups charged that the Justice Department has now taken a very limited view of what the State must do to improve its elections, ignoring major elements of the Help America Vote Act.

They contend the intervention is essential for vindicating the individual voter rights enacted on their behalf and on behalf of all voters. The citizens and groups further stated that they offer invaluable experience, expertise and insights for helping craft an effective plan that will remedy long-standing election problems in New York and for assisting the court in overseeing the successful implementation of such a plan.

The following is a brief listing of some of the informational materials available at the Center. All material is available in alternative format upon request.

Transitional Services Directory
(For Delaware, Otsego, Schoharie Counties)

How-to Start a Support Group Guide

A Guide to Disability Rights Laws from the U.S. Department of Justice

As with all Center services, all materials are free of charge.

Don't forget to check us out on-line at:

<http://www.ccfi.us>

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Get out and vote on election day. If you require an accessible voting machine, if at all possible, take the time to get to the one in your county. If you can't then go to your local polling place and ask for assistance. People with disabilities are a huge voting block in this country and in our state. It's time our voice was heard.

If you want more information about HAVA or want to become more involved in ensuring equal access for voters with disabilities call the Center and ask for Helen or Charlie. If you feel you have been denied your opportunity to vote because of an inaccessible polling place or voting machine, contact the Center or go to the Center's web site to complete a voter discrimination complaint form. **DO GET INVOLVED!!** After all...We ALL HAVA Vote!

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For another interesting twist, the choices for Plan B machines do not have to meet the full-face ballot requirement! Interesting because disability rights groups have been working towards getting the full-face requirement off the books, or at least re-interpreted according to the findings from the Brennan Center for Justice Memo, and twisted because most of these ballot marking devices are not even adequate for many people with disabilities to vote with.

Project HAVA is currently providing training and technical assistance in the areas of polling site accessibility and voters with disabilities to County BOEs in New York's 52 upstate counties and continues to do outreach about HAVA in general to people with disabilities. Take a look at our website www.ccfi.us for more information and articles on HAVA, read our project newsletter, The HAVA Quarterly, and peruse our Voter Handbook written for NYS voters with disabilities.

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 will be limited, so don't hesitate to call us at 607-432-8000, or email us at ccfi@ccfi.us

**Don' forget to check us out
online at:
www.ccfi.us**

Voting: Internet Investigation and Research

Laurene M. Reichardt, Disability Programs Manager

Voting is a right of every American Citizen - *as long you meet the criteria!* Is it a *Constitutional Right?* What does the new "HAVA" law mean? And how will it impact me? When did women get the right to vote? Did they have to own land to vote, too?

There are all kinds of questions that come to mind when we discuss the right to vote, the methods of voting, what it means to "run for office," and many, many other topics that arise when the subject of voting is brought up. In the interest of fairness – not to mention the fact that I, a lowly advocate, could not possibly begin to have all of the answers, I am going to share many of the interesting places on the Internet that I have found that can answer some questions, can generate others, and appeals to all age groups and interests:

<http://www.ccfi.us/havamain1.html> - The Catskill Center for Independence has been a leader for the right to vote privately and independently for almost two decades. Go here to get the latest updates on the Help America Vote Act of 2002, and on what's happening now.

<http://www.fec.gov/hava/hava.htm> - "Federal Election Commission." HELP AMERICA VOTE ACT OF 2002 (HAVA) - Public Law 107-252.

<http://www.usconstitution.net> - "The US Constitution On-Line." If you *really* want to know if voting is a constitutional right – You can look it up here!

<http://teacher.scholastic.com/researchtools/articlearchives/civics/election/vote.htm> - "Scholastic." This is an article that teachers (and others) can read & use to understand how, historically, America came to get the right to vote. It wasn't easy!

<http://www.fordham.edu/halsall/mod/1873anthony.html> - "Internet Modern History Sourcebook." Here's a dandy article on Women's Suffrage – It is Susan B. Anthony's 1873 speech that she gave after being fined \$100.00 in 1872 after "casting an 'illegal' vote in the presidential election" in 1872.

http://www.congresslink.org/print_basics_histmats_votingrights_esay.htm#voting - "CongressLink." "The Voting Rights Act of 1965 provided the capstone to many years' efforts to strengthen voting rights for African-Americans." Go to this website to find out why and how.

<http://www.righttovote.org> - "Right To Vote." The website offers information and a means of discussion about removing barriers to voting for citizens with felony convictions.

http://www.electionaccess.org/TextOnlyVersion/publications/briefings/02_Schriner_ADA_text.htm – "The Americans with Disabilities Act: Does it Secure the Fundamental Right to Vote?" An article for thought about the Americans with Disabilities Act and how it is working (or not working) for voting rights for people with Disabilities.

By no means is this list of websites exhaustive or conclusive – merely visit some of them to learn more about voting, how it came to be, and maybe where it's going. YOU decide!

Planning ahead for "Plan B"

The following is the "Plan B" information obtained directly from each of the four counties served by the Catskill Center for Independence. **Remember: "Plan B" is in effect for this year only.** You will find which machine is being used by your county, where in your county it will be located on election day, and other pertinent information. Please call your county Board of Elections office should you have any further questions. Their numbers are listed below.

The Otsego County Board of Elections will have the Avante voting machine which will be located at

The Otsego County Board of Elections Office
140 Co Hwy 33W
Cooperstown
(the old Meadows Nursing Home building next to the sheriff's Department)

Any voter with a disability wishing to vote on this machine should notify the Otsego County Board of Elections by August 11, 2006.

Voters may also call to make an appointment to come view and practice on this machine. Call 607-547-4247 or 607-547-4325.

As of this writing there are no plans for election day transportation, however, OPT has an accessible bus that goes from Oneonta to Cooperstown every hour on the hour.

The Delaware County Board of Elections will have the ES&S AutoMark and on election day the machine will be located at:

Town Hall
5 Elm St.
Delhi

As of this writing, the Delaware County BOE has not made arrangements for voters to practice with this machine, and currently there are no plans for election day transportation.

Call their office for further details 607-746-2315.

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Online Support Groups

Below are only a few of the support groups that we are hosting. To view the entire listing, visit us online at www.ccfi.us.

[Parents of Students with Disabilities](#) / [Assistive Technology](#) / [Housing](#) / [Election Reform](#) / [Health Care Reform](#) / [Transportation](#)

If you are interested, please contact *Ed Lynch* at the Center, 607-432-8000, or you can email him at ccfi@ccfi.us for more information!

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The Schoharie County Board of Elections will be using Populex voting machine. On election day this machine will be located at:

The Schoharie County BOE Office
County Office Building, Room 300
284 Main Street
Schoharie

The BOE staff will be offering one on one practice sessions for voters after August 28th, 2006. Call 518-295-8326.

County bussing will be available on demand for election day. Voters are requested to call ahead to make arrangements with the county transportation system. They can be reached at 518-234-0952.

The Chenango County Board of Elections will have the Avante voting machine available for voters. On election day this machine will be located at:

The Chenango County Office Building, Lower Level
5 Court St.
Norwich

There are no transportation arrangements for Chenango County on election day and, as of this writing, no plans enabling voters to practice on this machine before election day.

For more information call the BOE office at 607-337-1760.

Reminder:

Primary Day is September 12, 2006
General Election held on November 7, 2006

Remember...we all HAVA vote!

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 is as 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♦

Barrier Free Voting Poster Available

The Northeast ADA&IT Center is providing, free of charge, voting posters to people in their region (NY, NJ, PR and the USVI). If you are outside of this region, please visit www.adata.org to contact your closest ADA Center to check on their availability of this poster.

For more information or to make a request by phone, please feel free to contact Northeast ADA & IT Center at 800-949-4232 (NY, NJ, PR, and USVI). These posters are available on a first come, first serve basis.

Calendar of Events Video Day

On the last Wednesday of each month, at 2:00 pm, we will be showing a video for anyone who is interested. All videos will deal with some aspect of a disability-related issue and discussions will follow each video.

Space is limited. Please contact us to reserve your space by the close of business the Monday prior to each video showing.

September 27, 2006

Videos for Business: Two videos to assist businesses & employers with understanding the facts about hiring people with disabilities. No Barriers for Business: This video explores how businesses can become "disability -friendly," and Ten Small Business Excuses: Information on the Americans with Disabilities Act and how small businesses need to comply.

October 25, 2006

A Video Guide to (Dis)Ability Awareness: We learn by living and working together. This video provides a fresh point of view – looking at disabilities from many new perspectives – through the lives of people who have disabilities themselves. Recommended for raising everyone's awareness of disability issues.

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 if you would be interested in this service.