

# HAVA QUARTERLY

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A Newsletter from Project HAVA at the Catskill Center for Independence

**Special Anniversary Issue Commemorating 7 years of HAVA**

**October 29, 2002 – October 29, 2009**

“Voting is the right from which all other rights spring.” **Thomas Paine**

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**NYS HAVA Update:  
It’s All in the Details**

**A Whale of a Pilot:**

Preparations have continued for the pilot program for this year’s elections. Additional voting systems have been acceptance tested by the state and shipped to counties and several county election boards have been engaging in outreach efforts to inform their citizens about the new voting systems. The SBOE has rolled out a more complete voting system web tutorial for the general public and poll workers. With radio spots and TV PSAs, voters are being directed to [www.vote-ny.com](http://www.vote-ny.com) to see the additional material.

As per state requirements, the SBOE hosted the functional component of certification testing, on the Dominion ImageCast and ES & S DS-200, both optical scan systems, during the last week of September into the first week of October. The event, which was open to the public, was facilitated by SysTest Labs of Colorado, security consultant NYSTEC of Albany, the Board's Citizen Advisory Committee, along with State Board staff.

At the SBOE monthly meeting in September, much discussion ensued about draft regulations for audit procedures for Primary Day elections and future elections. As these regulations relate

to paper ballots/scanners used in counties participating in the pilot project, it was determined the draft would be passed as a temporary measure with the understanding the regulations would be revisited and amended as necessary. SBOE had staff in the field on Primary Day to assess and review policies and procedures put in place for pilot project to gauge what is working smoothly and what needs improvement, updating or changing.

**U\$E it or LO\$E it:**

Federal funds from the Election Assistance Commission (EAC) in the amount of \$14 million are due to be disbursed to New York State following the completed update of the state implementation plan. The funds will be deposited into separate accounts reserved for the various areas of HAVA implementation. Remaining grant monies from 2004 will have to be returned to the feds unless spent by end of September; counties that have not spent the allocated amounts are being encouraged to do so. As of mid-September approximately \$110,000 out of \$560,000 of 2004 funds remained.

**Be a Voter AND a Donor:**

Due to legislation passed last year, voter registration forms are in the process of being updated to include an organ donor section. The SBOE has sought input from various civic groups, advocates, and election officials on the new design and will have to meet with approval before it goes into circulation. Among the suggestions offered to the SBOE are running a usability study and adding information about post-felony voting rights in addition to something disability voting rights advocates have been angling for: to request voter information be given or sent in alternative accessible formats.

**Continuing Conundrum:**

The statewide voter registration database is still not being utilized by NYC BOE, which has been problematic for other election boards as they can't retrieve information through the database on former NYC voters who are re-registering in a new county. No logical explanation for this continued lapse has been forthcoming from the NYC BOE.

**Injustice anywhere is a threat to justice everywhere.      Martin Luther King, Jr.**

## The Gov's Brush with Irony

Finally having passed the Senate, S.1058 (Addabbo)/A.584 (Cahill), the long awaited polling site access bill was patiently waiting in the queue along with other bills hoping to be signed into law by Governor Paterson. In late September it was vetoed and an outraged disability community is now calling for a legislative override.

The new law would update state election law to be consistent with long-existing federal requirements, eliminate outdated waiver language, provide clear instructions for compliance, and finally create a means for oversight and enforcement in the state.

In his veto message regarding the polling site access bill, the Governor asserts, "The time frame that would be imposed by this bill is simply too onerous. It is not possible ...that it be achieved in the period contemplated by the legislation..." His rationalization is ridiculous in the face of long-established legislation still in the process of being implemented. The purpose of the 36 year-old Rehabilitation Act (1973) is to "empower individuals with disabilities to maximize...independence, and inclusion and integration into society, through the guarantee of equal opportunity." Title II of the ADA (1990), itself almost twenty years old, also "requires that State and local governments give people with disabilities an equal opportunity to benefit from all of their programs, services, and activities" including voting.

Governor Paterson's claims about fiscal constraints as an additional reason to veto are totally absurd when inaccessible sites can either be moved, consolidated, or modified using pre-existing state and federal HAVA funds marked for polling site accessibility. The disenfranchisement, marginalization and discrimination against voters with disabilities is perpetuated by our state executive who himself has a disability. The irony is breathtaking.

To read more on the Governor's veto check out these links below:

<http://www.timesunion.com/AspStories/story.asp?storyID=849430&category=LETTER&BCCode=OPINION&newsdate=10/5/2009>

<http://www.timesunion.com/AspStories/story.asp?storyID=845018>

<http://www.ccfi.us/hava/ProjectHAVAPressRelease.pdf>

<http://www.timesunion.com/AspStories/story.asp?storyID=843281&category=STATE&BCCode=>

<http://www.ccfi.us/hava/NYAILmediarelease-TitleIIandPollSite9%2017%2009.pdf>

"There are two primary choices in life; to accept conditions as they exist, or accept the responsibility for changing them."

**Denis Waitley, Author**

## **In the Culture Corner...**

### **The Poor Voter on Election Day**

**By John Greenleaf Whittier (1852)**

The proudest now is but my peer,  
The highest not more high;  
To-day, of all the weary year,  
A king of men am I.  
To-day alike are great and small,  
The nameless and the known  
My palace is the people's hall,  
The ballot-box my throne!

Who serves to-day upon the list  
Beside the served shall stand;  
Alike the brown and wrinkled fist,  
The gloved and dainty hand!  
The rich is level with the poor,  
The weak is strong to-day;  
And sleekest broadcloth counts no more  
Than homespun frock of gray.

To-day let pomp and vain pretence  
My stubborn right abide;  
I set a plain man's common sense  
Against the pedant's pride.  
To-day shall simple manhood try  
The strength of gold and land  
The wide world has not wealth to buy  
The power in my right hand!

While there's a grief to seek redress,  
Or balance to adjust,  
Where weighs our living manhood less  
Than Mammon's vilest dust, —  
While there's a right to need my vote  
A wrong to sweep away,  
Up! clouted knee and ragged coat!  
A man's a man to-day!

## **Disability Awareness for Poll Workers**

In an effort to aid election boards in educating their poll workers, Project HAVA has created a user-friendly manual to guide poll workers through basic disability awareness. The manual includes information on communication techniques, service animals, physical accessibility for polling sites and other requirements of HAVA.

As always, Project HAVA can provide an in-service training for poll workers on disability awareness, as well as other trainings and materials pertaining to polling site accessibility and accommodations.

For more information call Helen Benlisa, Project HAVA Coordinator at 607-432-8000 or 1-888-NYS-HAVA (1-888-697-4282), or send an email to: [nyshava@ccfi.us](mailto:nyshava@ccfi.us)

We look forward to hearing from you!

## **Online Resources**

Americans with Disabilities Act Accessibility Guidelines (ADAAG):

[www.access-board.gov/index.htm](http://www.access-board.gov/index.htm)

ADA Polling site accessibility checklist: [www.usdoj.gov/crt/ada/votingck.htm](http://www.usdoj.gov/crt/ada/votingck.htm)

American Federation for the Blind: [www.afb.org](http://www.afb.org)

United Spinal Association: [www.unitedspinal.org](http://www.unitedspinal.org)

## **From the Desk of “Access Abbie”**

### **Project HAVA’s Accessibility Maven**

Can we talk?

We can’t be sure who informs the poll workers or other elections staff on the placement of orange cones to mark out accessible parking spaces and access aisles, but clearly there is a communication breakdown. After surveying dozens of polling sites across the state on voting days, and seeing all the failed attempts at temporary accessibility, we have come to realize there are many very interesting interpretations on the use of orange cones.

The instructions for setting up temporary access at polling sites can be found in your ADA Checklists for Polling Places, the survey instrument developed by the Department of Justice. Every county had to complete a survey for every polling site and was given a copy of this checklist by the SBOE to use. Identifying the barriers and problems was the first step, acquiring temporary or permanent solutions to eradicate those barriers was another and ensuring election staff knows what to do with these items is third.

The purposes of the cones are two-fold:

- 1) To designate the accessible parking and access aisles and
- 2) To place the cones in such a way as to create a perceived barrier so that drivers will not enter the access aisle space keeping it safe for the intended users.

Here are some suggestions for designating temporary accessible parking using cones.

- 1) If the spaces are already striped, but there are no access aisles, use two cones in each intended access aisle, placed close enough together to discourage parking in these areas.
- 2) Insure temporary signage reading NO PARKING ANY TIME is in place in access aisles and mounted at the proper height (5’ to 7’ feet above grade), being sure not to obstruct the path of travel when you do so.

For instance, this temporary parking situation pictured above does not provide a usable access aisle and the attempt further increases the inaccessibility at this site. (This picture shows a gravel parking lot with a row of orange cones attempting to divide to 2 parking spaces, each designated with inadequate signage.)

Take a good look at the picture below. (This picture shows a sloping paved area with a designated accessible parking space, diagonally oriented, with an adjacent access triangle, not an entire aisle. Cones are placed on the front and back ends of the parking space stripes and an inadequate sign for access aisle in the designated triangle.)

What?? Seriously, we thought this was a heliport! Again the purpose of the orange cones was apparently lost on the election staff setting up this polling site. Provided the spot were level in the first place, we might try to create a safe and adequate access aisle using two cones placed at the near end of the parking space to the left of the designated accessible parking space and the signs should be placed at the far end of the spaces.

The aim here is not to cast aspersions, but to clarify and demystify the *raison d'être* of the ubiquitous orange cones. Since taxpayer dollars were spent on purchasing these items, taxpayers would not be happy to see them being used improperly. Unless election staff are clued in to how they should be positioned, lining them up in neat rows, stacking them up to hold 100 foot markers, or placing them on a 6 inch curbs (to what point and purpose we could not fathom) is a waste of money. The information on the right way to do it is at your fingertips. If you still have questions or difficult sites to figure out, give us a call. That's what we're here for: technical assistance.

1-800-NYS-HAVA (1-800-697-4282)

## Project HAVA News:

### All Aboard the Training Train!

Project HAVA is presenting two FREE Train the Trainer Workshops in late October in Rochester and Watertown. Based on our "Ready, Set, Vote!" Polling Site Accessibility Training, participants at this workshop will learn how to teach others about:

The type of tools needed

What kind of survey instrument to use

Where to find the state and federal standards

How to determine if a polling place is accessible

Where to go for help and technical assistance

Become an informed advocate for access, be a resource for your local BOE and add to your presentation skills!

For more information on these and future trainings contact:

Helen Benlisa, Project HAVA Coordinator [helenbenlisa@aol.com](mailto:helenbenlisa@aol.com)

607-432-8000 or toll free at 1-800-NYS-HAVA (1-800-697-4282)

“When you have to make a choice and don’t make it, that is in itself a choice.”

**William James, American Philosopher 1842-1910**

To view pertinent news articles, legal documents and all things HAVA in New York visit our website [www.ccfi.us](http://www.ccfi.us)

You won’t be disappointed!

“The vote is the most powerful instrument ever devised by man for breaking down injustice and destroying the terrible walls that imprison men because they are different from other men.” **Lyndon B. Johnson**

Project HAVA, administered by the Catskill Center for Independence, is a Protection and Advocacy for Voter Access (PAVA) grant program funded by the NYS CQCAPD which provides training and technical assistance in the areas of voter access and disability awareness for poll workers to Board of Elections in 52 counties in upstate New York. The Project also provides outreach and education about HAVA and its implementation in New York State to individuals, community agencies, schools and human services organizations.

Counties served by Project HAVA:

Albany, Allegany, Broome, Cattaraugus, Cayuga, Chautauqua, Chemung, Chenango, Clinton, Columbia, Cortland, Delaware, Dutchess, Erie, Essex, Franklin, Fulton, Genesee, Greene, Hamilton, Herkimer, Jefferson, Lewis, Livingston, Madison, Monroe, Montgomery, Niagara, Oneida, Onondaga, Ontario, Orange, Orleans, Oswego, Otsego, Rensselaer, St. Lawrence, Saratoga, Schenectady, Schoharie, Schuyler, Seneca, Steuben, Sullivan, Tioga, Tompkins, Ulster, Warren, Washington, Wayne, Wyoming, and Yates.

### **Catskill Center for Independence**

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Visit us on the web at [www.ccfi.us](http://www.ccfi.us)

E-mail us: [nyshava@ccfi.us](mailto:nyshava@ccfi.us)

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“Freedom is not merely the opportunity to do as one pleases; neither is it merely the opportunity to choose between set alternatives. Freedom is, first of all, the chance to formulate the available choices, to argue over them – and then, the opportunity to choose.”

**C. Wright Mills**

**American Sociologist**