

HAVA QUARTERLY

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

Thomas Paine

WINTER 2010

A Newsletter from Project HAVA at the Catskill Center for Independence



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“I couldn’t help but notice was the fact that the voting is no longer private. You fill out a large ballot sheet while sitting at a table with stand-up privacy shields, but then you walk from the table to the machine, and invariably, the helper there has to show you how to insert the sheet into the machine, thereby being able to see your votes. And if you have to stand in line to scan your sheet, others can see your votes as well.”

Election Day 2010:

A Primer on Privacy at the Polls



As a Protection and Advocacy for Voter Access program, Project HAVA hears from voters around the state about their experiences with the new voting systems, ballots, interactions with poll workers as well as general accessibility issues – both

physical and programmatic – at polling places. With the full roll-out of the new voting systems this year, one of the big concerns echoing around the Empire State is privacy.

Here are few statements from voters across New York submitted to Project HAVA after the general election:

This is from a voter who made a mistake with the first ballot and was issued a new one:

“Since I was becoming late for work and anxious to get this done, I did not see what they did with my original ballot...was it shredded? Did someone have ample opportunity to look over my voting choices? I am concerned that my votes were not private. I also was not informed about the "sleeve" to use prior to feed the machine my ballot. A "helper" was there next to me to show me how to feed the ballot, but did not mention I could have used the sleeve so he would not see what choices I had marked on my ballot.”

The use of privacy sleeves is an issue in other places:

“I was given a ballot but had to ask for a sleeve to cover it as they were piled at the end of the table and weren't given to people with the ballots.”

Another voter had this impression about the ballot design:

“The ballot was very confusing and didn't make much sense; a lot of other people were having trouble with it also. There seemed to be as many re-dos as there were voters.”

How polling site furniture and machines are set up lead to privacy issues as well. This voter went to:

“...the available section of a circular table...four areas were divided by barriers (but they weren't long enough to actually feel like your ballot was private.) At this site, if someone had used the BMD, people who were entering or leaving would have walked behind them and been able to see the monitor...”

With the advent of the full roll-out of the new voting systems, it is understandable new challenges come along with it. And it isn't always clear what those challenges are until an election takes place. Now we know the next round of issues that need to be addressed: polling site interior logistics to ensure voters have privacy throughout all phases of the voting process; making certain poll workers understand the importance of privacy sleeves and that every voter should receive one along with their ballot; and since the ballot design and font size of the print can be challenging to a wide range of people, offering the use of the ballot marking devices (BMD) to assist *all* voters in accessing and filling out the ballot ought to be par

for the course. Election workers have to understand anyone can use the BMDs, they are not just for voters with disabilities.

As always, Project HAVA is here for technical assistance. If your election board would like some help with improving privacy, access to the BMD and polling site interior arrangements, give us a call at 607-432-8000 or send an email to:

helenbenlisa@ccfi.us



Do you HAVA Haiku?

The HAVA Quarterly would like to encourage its poetically inclined readers to submit HAVA and/or election-related haikus, which, at the discretion of the editor, may appear in future issues of the HAVA Quarterly. Haikus are composed in a 3 line 5-7-5 syllable format and sometimes include a reference to a season.

Here is a sample:

We all HAVA vote.

This fall, we all HAVA vote.

We all HAVA vote.

If inspiration strikes, email your haikus to helenbenlisa@ccfi.us and write HAVA Haiku in the subject line.

NYS HAVA Update:

We've Got to MOVE it, MOVE it!!

Much attention has been given to implementing the MOVE Act in recent months, with subsequent attention being given to the US DOJ's suit against NY for non-compliance with the MOVE Act for this years' Primary...what else is new? To be fair, eleven other states were sued as well. Most of NY's counties managed to meet the deadlines, but in order to avoid further problems for Election Day, the SBOE submitted to the court a plan to provide a 9 day extension for receiving military and overseas ballots as long as they are still post-marked prior to November 2nd. The SBOE distributed multiple press releases and PSAs widely throughout regular and military media outlets, in the state and beyond, to inform military folks and others at home and abroad about the additional grace period and how the process of obtaining election materials works.

In other news, this has been the most litigious year at the SBOE; outside council, and therefore economic resources, have been used in cases involving a conflict of interest for the AG's office.

Primary Day glitches had more to do with human error as the 3% audits performed by the counties have indicated the scanners are working appropriately. The SBOE will continue to support the counties with preparatory issues such as ballot building and test deck procedures.

And last but certainly not least, the polling site access bill was signed into law this fall and becomes effective December 15, 2010. This law strikes the waiver language from existing election law and provides for some guidance and oversight at the state level for polling site accessibility; it charges the SBOE with developing a user-friendly guide as a go-to reference for the County BOEs where polling site accessibility is concerned.

Visit the New York State Board of Elections online at: <http://www.elections.state.ny.us/>

There you will find a variety of reports, notices and general information including current NYS election law. Commissioners' meetings are held monthly and are webcast live; dates and times are posted on the homepage. You can also review archived webcast meetings or read the transcripts.



And we who have toiled for
freedom's law, have we sought
for freedom's soul?
Have we learned at last that
human right is not a part but
the whole?

John Boyle O'Reilly, Irish author
and rebel (1844 – 1890)



Visit our website www.ccfi.us
to view pertinent news articles,
legal documents and all things
HAVA in New York.

You won't be disappointed!

From the Desk of “Access Abbie”

Project HAVA’s Accessibility Maven



Election Day 2010: Limping along in Lima

The following is a personal note from Access Abbie, a.k.a. Helen Benlisa, Project HAVA Director

Having been working on voter access issues for over 5 years now, I have seen a range of interpretations of accessibility features. Some have been honest attempts and others downright dangerous and scary. In the early days at this job I often puzzled over why, when we have these carefully developed legal standards and requirements, there are so many different “interpretations”! The fact remains that because this is a civil rights issue, nothing changes or gets corrected unless the civil body demands it. There are no accessibility police, not much in the way of oversight and pitiful little in the way of general education about access issues. But Election Day 2010 afforded me even more insight into the importance of an accessible environment, including accessible polling places, and revved my engine of accessibility advocacy a little higher.

The night before the election, my comrade in access and I drove to a rural county in the western part of the state so we could start early the next morning on our tour of duty, surveying polling sites for accessibility. Our mission is to see how the county election boards are coming along with ensuring voters of all stripes can get into the polls and cast their ballots. My ordeal began after we settled in for the night at an historic hotel in Lima;

what it lacked in modern conveniences it made up for by brimming with stories of the past and even boasted a spirit or two. Our rooms were on the second floor, so after traipsing up the grand staircase (no elevator, but who cares – we had ghosts to chase!!) we searched all the nooks and crannies hoping to “make contact”. We weren’t lucky on that account, so after one last perusal of the family photos on display and final good-night visit to the slightly scary street-side balcony, it was off to a good nights’ sleep. Or so I thought.

After settling in, I started to feel a little twinge in my hip, a nagging ache that I chalked up to too much driving and not enough walking. But I thought, “I’ve felt this before” and it usually goes away after resting and stretching. Well, it didn’t go away. It expanded and deepened and flared and roared to the point where I would rather have all my teeth pulled - twice - without the benefit of Novocain or give birth ten times in a week. I would rather have experienced just about anything else but this! I was in the most excruciating pain of my life to date and I hope I never have to go there again.

As trying and traumatizing as it was, it opened my eyes to reality I haven’t had to personally face before...the reality where everything instantly changes and there is no stopping it, no fixing it right away and very limited ways of dealing with the immediacy and enormity of it all.

There was no relief from this pain: I couldn’t do the most basic life functions let alone complex ones without making an already bad situation worse. I could only gather from the type of pain and its location in my body it was a pinched nerve or something very much like it; it had turned my left hip and thigh into my own personal war zone. Standing still was impossible, as was sitting,

walking, bending or moving in any way imaginable. Somehow I managed to get through the necessary morning activities, but not without screaming, crying and carrying on. When I got to the top of the stairs, I cried some more. My left leg could not bear weight and neither could my derrière, so sitting my way down was out of the question. I hobbled down the stairs by a combination of leaning on the banister, dragging the bad leg and supporting myself with the good one. If it wasn't so incredibly painful, it would have been funny.

Well, after much gnashing of teeth on my part, we managed to start our day. Sitting semi-reclined in the car was an improvement, but the throbbing-twinging-searing pain continued. There would have been no way I could have operated a motor vehicle in that state, thankfully my comrade had that covered. After breakfast we got started on our tour: 4 counties to cover, a meeting with a reporter – not a thing you want to pass up in this business – limited daylight and now, limited mobility. As my partner was entering polling site addresses into the GPS, I thought I'd try to stretch and walk it out. I limped along a parking area and, lo and behold, at the end of the lot was a chiropractor's office. It was a sign...the universe had led me here. Not one to sneeze at such cosmic directives, I went inside and begged them to do whatever was possible because I couldn't *not* work that day. We only have so many election days during the year!

Patched up and functioning well enough to cope, we got about our business, surveyed several sites, met with that reporter and got an article printed in the next days' paper. But it drove home the awareness of how inaccessible our environments are to folks who may not have the moves of Fred Astaire or Ginger Rogers. I was thankful to lean on handrails along ramps or use the curb cuts so I

didn't have to lift my leg more than an inch off the ground. I was relieved to enter through automatic doors so I didn't have to counter-balance the weight of the door with my body. And I was indignant at establishments that made no effort whatsoever at making the environment accessible.

Our survey findings were about what they usually are: not a single polling place we visited was fully accessible. There are no good reasons why this lack of access should continue, only excuses. And excuses do not hold up under the law.

So, am I going to work harder at driving the legal issues about access home to our election officials? Am I going to advocate, advocate, advocate for accessible environments everywhere because it is simply right and proper and long overdue? You bet I am.

Post Script – As of this writing it has now been 5 weeks since my pinched nerve journey began. And although the situation is much improved, thanks to the skilled care I am receiving here in my home town, I still have to rethink just about everything I do. Unable to use my own standard transmission vehicle, I have been switching cars with friends or renting automatics. What I wear, how I cook, activities I engage in (or don't) all require forethought, planning or necessary avoidance.

Even where I live is up for review. I live on a hill and have to traverse a flight of stairs just to get into my house, a nearly impossible task for me the first two weeks after this began. Come spring, a "For Sale" sign will be posted on my front lawn. My next home will be - you guessed it – accessible.



News from Project HAVA:

The First Biannual Statewide Voter Access Conference: Where do we go from here?

The Catskill Center for Independence and its Protection and Advocacy for Voter Access (Upstate PAVA) program Project HAVA, along with our sponsors New York State Independent Living Council (NYSILC) and New York Association of Independent Living (NYAIL), hosted a very well attended Voter Access Conference in Troy, NY earlier this month. Now that New York State has met most of the implementation requirements with the federal Help America Vote Act and passed some key pieces of state legislation on voter access, it is time to step up our efforts to ensure the rights of voters with disabilities get the fullest attention possible.



We had a near-capacity crowd!

The theme of the conference was “Where do we go from here?” and provided attendees with opportunities for interactive discussions with seasoned advocates to hear about their successes and challenges in voter access achievements with their local BOEs, a chance to learn about aspects of state and federal voter access legislation and current HAVA funding in New York and a mini polling site access training. Along with that every advocate went home with a toolkit developed by our Downstate PAVA partner, Center for the

Disabled – NY (CIDNY) to use as they build relationships with their home county election boards.

But the highlight of the day came when Brad Williams, Executive Director of (NYSILC) presented the Catskill Center’s Executive Director, Chris Zachmeyer, with an official certificate for the polling site access law which after nine long years of waiting in the wings becomes effective in New York State on December 15, 2010. Williams and Zachmeyer were co-writers of this bill many moons ago.



Brad Williams presenting the polling site access law certificate to Chris Zachmeyer.

All in all it was a very energizing and successful day and we’re looking forward to future voter access conferences down the road!



Injustice anywhere is a threat to justice everywhere.

Dr. Martin Luther King, Jr.

Project HAVA Provides Free or Low-Cost Training and Technical Assistance

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 providing technical assistance and training on polling site accessibility.

For more information contact

Helen Benlisa, Project HAVA Director:

helenbenlisa@ccfi.us

Don Wyckoff, Architectural Barrier Consultant:

donwyckoff@ccfi.us

Or call us at 607-432-8000
toll free at 1-800-NYS-HAVA
(1-800-697-4282)

We look forward to hearing from you!



Online Resources

Americans with Disabilities Act
Accessibility Guidelines (ADAAG):

www.access-board.gov/index.htm

ADA Polling site accessibility checklist:

www.usdoj.gov/crt/ada/votingck.htm

American Federation for the Blind:

www.afb.org

United Spinal Association:

www.unitedspinal.org



Thanks for remembering...



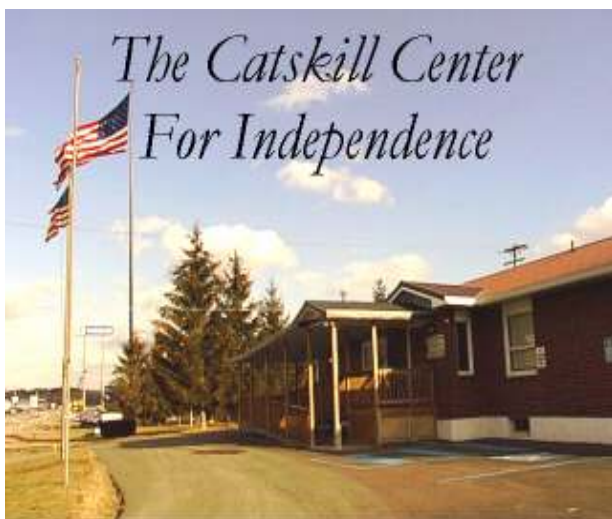
“The vote is the most powerful instrument ever devised by man for breaking down injustice and destroying the terrible walls that imprison men because they are different from other men.” **Lyndon B. Johnson**

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.



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