

"Voting is the right from which all other rights spring." Thomas Paine

HAVA QUARTERLY

DECEMBER 2007

Vol. 3, No. 1

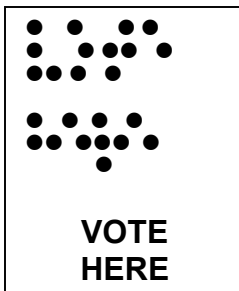
A PROJECT HAVA NEWSLETTER

©CATSKILL CENTER FOR INDEPENDENCE 2007

www.ccfi.us

nyshava@ccfi.us

PROJECT HAVA NEWS CLARIFYING ACCESSIBILITY



Project HAVA's aim is to provide information about HAVA in general and accessibility issues in particular and to encourage all concerned parties to work from a unified definition of accessibility. There has been much good faith effort, but there are still missing pieces of information that might lead to serious accidents and possible lawsuits.

Using the DOJ checklist, getting to know all the background materials, tools and methods is an overwhelming amount of information and even though we present our accessibility training with a hands-on approach it still requires trainees to master skills in measurement, interpretation and implementation. The long and short of this is, anyone completing a survey of a polling site and making decisions about modifications needs some level of understanding of accessibility standards provided in the ADA Access Guide or ADAAG.

Our experiences and information gathering across the state has engendered the insight that there is not a unified interpretation of the standards as they apply to poll site accessibility. For this very reason we created an instructional DVD on polling site accessibility. All the necessary information regarding physical access is "out there" and has been around for a long time, but having been so haphazardly interpreted and applied over the years there is little wonder at the confusion about accessibility requirements. The situation is similar to information on Medicaid. It is all out there looming, but you practically

need a law degree to interpret it! That is why we have Disability Program Navigators to help guide and inform and dispel the confusion. In much the same way, we aim to clarify accessibility issues for BOE officials and staff.

Along with general accessibility, the ADA and HAVA still requires poll workers to be trained in disability awareness. Understanding the needs of people with disabilities and the reasons for the changes HAVA brings about is paramount to a successful and accessible voting experience. Even though election officials and some staff have received training, this knowledge is not always being passed down to individual poll workers. Disability awareness training and effective communication between poll workers and county election officials are needed to ensure compliance with HAVA and the ADA otherwise in New York State the lawsuits will continue.

For more information about our trainings,
DVD and other materials contact:
Helen Benlisa, Project HAVA Coordinator
nyshava@ccfi.us
Or call toll free:
1.888.NYS.HAVA (1-888-697-4282)



**NYS HAVA UPDATE:
HERE'S TO THE NEW YEAR,
HERE'S TO VOTER ACCESS!!**

Happy Holidays, New York! On December 20, 2007, U.S. District Court Judge Gary Sharpe ordered NYS to install ballot marking devices (BMD) in every polling site in the State by the



September Primary in 2008 and is giving the State BOE just 15 days to submit another plan to the Court outlining its plans for replacement of lever machines in 2009. If this latest plan is not completed to Judge Sharpe's satisfaction, the Court will then appoint a Special Master to oversee HAVA implementation in New York State and the buzz is it could be Governor Eliot Spitzer. Judge Sharpe minced no words in communicating his "disgust with the state for its failure" to achieve HAVA compliance and reminded State election officials he could hold them in contempt and could have them jailed, should he so choose.

Election Commissioners around the State had voiced their concerns about just such a compressed timeline for HAVA compliance to the Court via an Amicus Curiae Brief. In it they cited the numerous challenges in staffing, training, and development of procedures relating to voting systems. However, the message of the Court was clear: New York State has failed voters with disabilities far too long. New York must become HAVA-compliant, no exceptions, no excuses.

We applaud Judge Sharpe's commitment to ensuring voter access in 2008. It is long overdue.

To view news articles, legal documents and all things HAVA visit our website www.ccfi.us - you won't be disappointed!



“The ultimate rulers of our democracy are not a President and senators and congressmen and government officials, but the voters of this country.”

Franklin D. Roosevelt

FAST FACTS ABOUT ...

Accessible Doorways:

- Latch side clearance minimum 18", 24" preferred
- Require 32" minimum clear width.
- Interior door force: 5lbs. of force or less.
- Accessible entrance must remain unlocked/open while polling place is open.
- Any threshold at an entry higher than ¼" to ½" must be beveled with a slope of no more than 1:2.

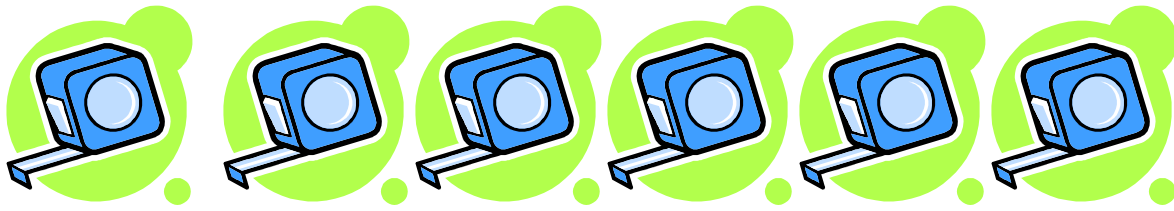
Door hardware must not require tight grasping, pinching or twisting.



New Feature

Dear Access Abbie!!

Now you can consult with our accessibility maven, Access Abbie, anytime you have a question about polling site accessibility!



Dear Access Abbie,

During the last election we propped a door open since the door hardware was not accessible. The door does offer 32" of clear space with the door open 90 degrees and we thought that seemed like a good alternate means of accommodation. We wanted to make sure this is ok as a temporary solution because it is a common issue at our sites.

Thanks,
Ajar in Altamont

Dear Ajar,

While propping a door can be a very simple temporary solution, how the door is propped open is another matter entirely. For instance poll workers have propped doors open with everything from wedges kicked under the door to chairs to fire extinguishers and even garbage cans. All of these items would work as a temporary solution. However, if a door opened only to 90 degrees offers 32" of clear space and an item such as described above is used it would most likely minimize the amount of clearance at the door. (See Fig. 1) If the door can be fully opened (between 90 and 180 degrees) and the propping item is completely out of the path of travel it would be fine. (See Fig. 2) Temporary solutions should only be used when there is no other way, but for a door that may simply require new lever style door hardware or relaxing the tension on the closer propping it open would be unacceptable as a long-term plan. These permanent solutions are low cost, easy to accomplish and HAVA funded, so fix that door!

along an exterior path of travel must comply with ADAAG. It must be high contrast (black on white, white on black) large font must be used and the sign must include the universal symbol of accessibility with a directional arrow. If you do decide to create the sign we suggest you use a computer (New Times Roman or Arial text) and printer as opposed to hand drawn letters, otherwise inconsistency in letter shapes, size and interpretation may differ. (See Fig. 1) The signs should be protected in clear plastic if required in an outdoor setting to ensure they stay dry and should be securely affixed. Signs along a path of travel must be mounted at a clear height of 5-7 feet and must be viewable from the path leading to it.



Fig. 1

Any interior signage used to designate a particular room must include Braille and should be mounted (if the door is propped open) to the latch side of the door at a clear height of 5'. (See Fig. 2) If the door remains closed, the signage with Braille should be mounted at a clear height of 5' in the center of the door. (See Fig. 3) Braille signage can be easily accomplished by purchasing a Dymotape Braille Labeler found online and costs between \$20-\$40.

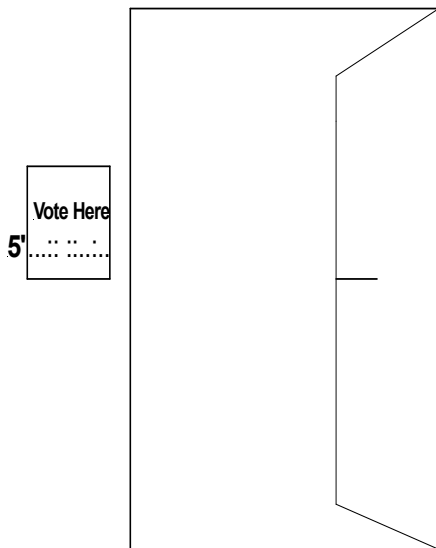


Fig. 2

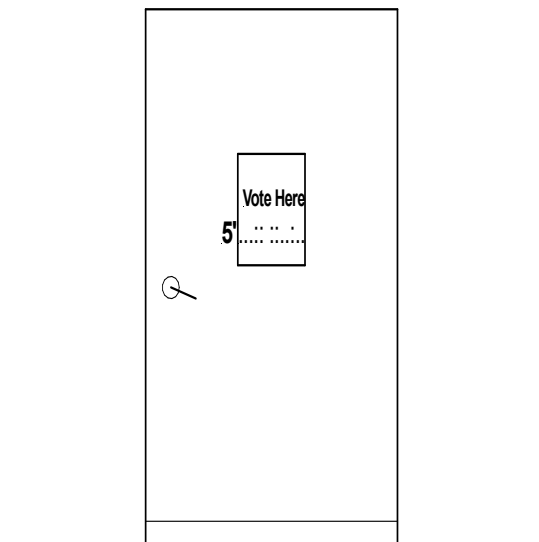


Fig. 3

Yours in Signage,
AA



Dear Access Abbie,

After completing an accessibility training provided by the Catskill Center for Independence we began reviewing our sites and have realized that our county polling sites are not quite as accessible as we once thought. We understand that we can use the HAVA funds set aside for improvements, but as you know those funds are limited per site and we are running into site owners that do not want to make additional revisions or feel threatened by our presence during our surveys. Any advice?

Modifying in Modena

Dear Mod,

Unfortunately, that type of response is all too common. The best advice is to appeal to their common sense! Explaining to site managers their establishments are not accessible, hitting them with a report citing barriers then demanding they be fixed will provoke anger and resentment to say the least. It is understandable why these business/churches/schools etc. feel threatened and some have gone as far as no longer allowing the BOE to use their site. This is unfortunate, but with patience and diligence on the part of BOE poll site surveyors and a bit of common sense on the part of the establishment owners these concerns can be remedied.

A better avenue of approach is to appeal to their business sense and/or their humanity. Let them know of the benefits of working with you. Something like, "we did find some barriers to accessibility here, however, there are some funds available to assist in making these changes which will not only bring this site into compliance, but it will also provide better access to your own consumers, students or congregation members." Show the benefits of compliance and you

will have a better chance of obtaining another accessible polling site. It also never hurts to mention that some of the money a business spends to improve its accessibility can be deducted from their taxes at the end of the year!

Yours in Compliance,
AA



You can always call Access Abbie at 888-NYS-HAVA or email your question to nyshava@ccfi.us and write Dear Access Abbie in the subject line.

You can also check for information in the ADAAG online:

<http://www.access-board.gov/index.htm>

Or review the ADA Polling site accessibility checklist:

<http://www.usdoj.gov/crt/ada/votingck.htm>



“Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it is the only thing that ever has.”

Margaret Mead

“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



**We ALL HAVA Right to
Vote!**

Catskill Center for Independence
PO Box 1247
Oneonta, NY 13820
1-888-NYS-HAVA · V/TTY
(1-888-697-4282) · V/TTY
607-432-6907 · FAX
www.ccfi.us
nyshava@ccfi.us

©CATSKILL CENTER FOR INDEPENDENCE 2007