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A Newsletter from Project HAVA at the Catskill Center for Independence

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NYS HAVA Implementation update: Dollars and Sense in Albany

The NY State Board of Elections (SBOE), like the rest of the state is facing budget cuts and has been figuring out ways to reduce expenditures. To that end, the annual State Fair outreach program has been canceled and the annual statewide election commissioners' conference venue has been changed from Syracuse, where it has previously been held, to a location in Albany. This will greatly reduce travel and hotel expenses for SBOE staff. Plans for expanding the overall office space are being revisited; reconfiguring the space already occupied is the more likely option to be pursued. In terms of HAVA funds NY has officially lost the allotted polling site access improvement funding from 2003 because it wasn't spent. As this was federal funding, it is not NYS budget related.

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

Thomas Paine

In late October SysTest, the testing authority contracted by the SBOE to test the new voting systems set to be used in 2009, lost their accreditation from the federal Election Assistance Commission (EAC). Hence, the machine certification process came to a halt. SysTest is making improvements as directed by the EAC (in order to end the suspension of their accreditation and get re-certified) and will have a site review in February. The EAC re-approval of SysTest will hopefully be expedited and testing for machine certification may resume soon after. If further delays occur, it could impact the machine implementation timeline so significantly as to necessitate using the lever machines for another election cycle.

Machine vendors owe the SBOE money for the certification process, but are balking about paying because the certification process has stalled. The Election Operations Department at the SBOE will ask the state Office of General Services (OGS) if the money the state still owes the vendors for the **previous** purchase of ballot marking devices (BMD) can get redirected back to the certification payments.

Throughout October SBOE processed numerous calls, redirected thousands of voter registration forms mistakenly sent to the SBOE office to the appropriate counties, provided outreach to inform the public about the new voter information site: www.vote-ny.com, and provided the counties with reminders and clarifications as to BMD use regarding both the machine operation as well as encouraging voter participation and preventing discrimination. There was also concern at the SBOE regarding military/overseas ballots not arriving in time for the election. Any changes as to how these ballots are processed would have to be made legislatively. The largest problem lies in physically bringing the ballots back to the US. Ballots can be delivered with other supplies, but the problem is picking anything up. If another method were used, i.e. electronic voting or vote by phone, it would have to be legislated.



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

Project HAVA News: New Technology, Old Problems

The long process of acquiring and instituting accessible voting technology finally satisfies some requirements of HAVA in our state, but it also creates a range of new complications and spotlights some long standing problems. Poll worker training is an area where the deficits are most glaring.

Given the very short time frame the counties had to work with to get their poll workers trained on the use of the accessible voting technology or Ballot Marking Devices (BMD), it is understandable not every poll worker would be well versed in its operations this year. However, in many instances there was a range of discriminatory practices and behaviors exhibited by poll workers in conjunction with BMD use. Poll workers:

- openly discouraged people wishing to use the BMDs from doing so because they were completely uninformed on its operation or because of the length of time they perceive it will take to vote using a BMD;
- said BMDs were available only to voters with disabilities or told voters the BMDs could not be in used until 2009;

- poorly positioned BMDs thereby making them inaccessible to voters using mobility devices (wheelchairs, scooters, walkers);
- did not adequately address privacy concerns for voters using BMD or were intrusive in their assistance during the voting process;
- in some cases, did not even uncover, plug in, or turn on the BMDs.

Aside from the technological problems and lack of experience on the part of the poll workers, voters with disabilities are still subject to attitudinal barriers. In the past, voters with disabilities have been treated dismissively or disrespectfully, coerced into voting a certain way, and denied the right to vote. This recent election indicates many of these abuses are still common. Poll workers are ill-informed about the legality of asking probing questions about a person's disability, or apparent lack of one and many poll workers unabashedly use derogatory terms when talking to or about people with disabilities.

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.

We look forward to hearing from you!

Remember...



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

You won't be disappointed!



From the Desk of “Access Abbie”

Project HAVA’s Accessibility Maven

Dear Access Abbie,

I work for a BOE and I am tired of people complaining to us about access at our polling sites. We have been working very hard in preparing for elections. There are a lot of details to tend to and we are doing the best we can. You can’t imagine how difficult it is to coordinate efforts with the people who own or manage the polling site locations. Our Board has provided ample temporary fixes to address these problems. We are doing our best. Isn’t that good enough?

Anonymous

Dear Anon.,

On Election Day 2008, Project HAVA conducted polling site surveys, sampling polling sites from 3 counties. Not a single one was fully accessible. But before you get your dander up again, let me reassure you the disability community is aware the BOEs have a lot to contend with in running elections. However, the disability

community is also one-fifth of New York’s entire electorate and for those voters who choose to come to the polls to cast their ballot, they shouldn’t have to worry about their safety in order to do so. On that day, at least, those sites are mandated to be fully accessible. It is the law. As BOEs provide their polling sites with temporary solutions to ameliorate inaccessible features, how these items are to be used still needs to be clearly communicated to the election staff responsible for each of the sites. Please take a look at the picture on page 6 where a few cones are placed at the end of an *inaccessible* ramp. Nowhere at that site were temporary accessible parking spaces and access aisles created so people using wheelchairs or walkers could be sure of safely getting out of and into their car; they would still have to cross uneven terrain and then traverse a ramp surface punctuated with gaps and level changes exceeding $\frac{1}{4}$ ” between the concrete slabs and wooden planks. A gap or level change of $\frac{1}{2}$ ” or a little more may not sound like a lot, but to someone pushing themselves up a slope on their own power encountering that much of a level change offers even more resistance. And if appropriately spaced rest areas do not exist, that also presents a hazard. Accessibility isn’t rocket science, but it still has to be done right.

Election Day 2008:

History Made, History Repeated

Since the upstate/downstate Protection and Advocacy for Voter Access (PAVA) grants were awarded in early 2005, both Project HAVA at the Catskill Center for Independence (CCFI) in Oneonta, and the Voter Rights Program at the Center for Independence of the Disabled, NY (CIDNY) in Manhattan, have endeavored to educate election officials statewide on accessibility standards and have offered disability awareness training for poll workers. To that end, various materials have been created, proffered, and distributed. Even before these grants enabled a broader reach, many Independent Living Centers across the state were already communicating with election boards in their local areas. Yet, with all this ongoing effort, important and fairly basic information about accessibility standards and disability awareness hasn't thoroughly reached the front lines of election administration: poll workers and polling sites.

To assess whether these efforts are making an impact and to find areas where energy could best be refocused, both Project HAVA/CCFI and CIDNY's PAVA project conducted polling site surveys throughout several counties on Election Day. CIDNY also conducted voter surveys to assess

individuals' voting experiences now that every polling site is, or should be, equipped with a ballot marking device (BMD). The BMD is a voting system available for anyone to use that also has accessibility features making it possible for voters with disabilities to cast their ballots privately and independently. While there were some improvements in the big picture, there still remain barriers that went under addressed or not addressed at all.

In the early 90's, CCFI began conducting polling site surveys in the three-county area the Center serves. Outreach efforts yielded little in the way of accessibility improvements and ultimately this longstanding problem was brought to the attention of NYS Attorney General (AG). To make a long story short, there was a lawsuit. Two counties were sued, one entered into a consent decree. In the end all three counties took steps to make their polling sites accessible. However, time marches on. Polling sites get moved and decay happens. Add to that new people managing or working at polling locations, perhaps uninformed of accessibility needs, which may inadvertently create a barrier where previously none existed. Add to that, poll workers who are also uninformed about accessibility standards and even more obstructions can occur.

CIDNY began conducting polling site accessibility surveys in 2003, after the passage of the Help America Vote Act (2002), and has visited 310 polling locations throughout the metropolitan area, surveying some locations repeatedly over the years. This past Election Day, CIDNY conducted accessibility surveys of 65 polling sites; barriers to access were found at 54 or 83 percent of the sites. Many of these barriers are the same ones encountered during each of CIDNY's nine previous Election or Primary Day surveys. The majority of these barriers, such as poor signage and blocked pathways, require few resources to correct, which begs the question: why weren't they corrected or prevented?



This picture from an upstate polling site shows grass, mud and gravel along the path of travel. There was no attempt at creating or providing signage for designated accessible parking or access aisles. The ramp leading to the entrance has many problems: a vertical rise exceeding ½" (the

Do you have questions about polling site accessibility?

Concerns about training poll workers about voters with disabilities?

Do you need information about our trainings, DVD and other materials?

Contact Project HAVA toll free at 1.888.NYS.HAVA (1.888.697.4282)

Or

607.432.8000

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maximum allowed is ¼”), the handrails are not continuous, do not run the length of the ramp and therefore do not extend 12” past the end of the ramp. Also, the ramp exceeds 30’ in length without a level landing, which means there is no resting place provided for someone navigating the ramp in a wheelchair.



This picture shows an entrance to another upstate polling site where there is a less than the required 5’x5’ level landing at door. The positioning of the temporary beveled threshold obligates a wheelchair user to navigate to the left of the opening door. There is not adequate clear space to make this positioning possible. This is hazardous to the wheelchair user because when independently maneuvering to and opening the door, it is possible for at least one of the wheels to drop off the edge of the landing thereby tipping the wheelchair, perhaps causing the person to fall out which could lead to serious injury.

CIDNY also collected 54 surveys from voters who documented their experiences in this

election. The problems that have led CIDNY to monitor polling sites over the last five years were echoed by results from the individual voter surveys. Voters found these barriers to access at their designated polling site: confusing or missing signs outside the polling site; items blocking access in the voting area; had trouble finding the accessible entrance; the interior path to voting was confusing.

As for the BMDs, many were poorly positioned thereby making them inaccessible to voters using mobility devices (wheelchairs, scooters, walkers); positioned so anyone passing by could see the screen thereby denying voters their privacy; and in some cases, not even uncovered, plugged in, or turned on.

This picture from a polling site in New York City shows a barely navigable hallway strewn with boxes and obstructions created by people working.



Obviously many polling sites have other uses and activities that need to go on

during Election Day; provisions need to be made by election officials to ensure complete access throughout the polling site regardless of any other business being conducted at the location.

Most of these problems and barriers have to do with basic logistics; they may take a bit of forethought and common sense, but can be easily amended.



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

**Injustice anywhere is a threat to
justice everywhere.**

Martin Luther King, Jr.

On the Lighter Side

Students in an AP Government class were discussing the qualifications to be president of the United States. It was pretty simple. The candidate must be a natural born citizen of at least 35 years of age.

However, one girl in the class immediately started in on how unfair was the requirement to be a natural born citizen. In short, her opinion was this requirement prevented many capable individuals from becoming president.

The teacher and the class were just taking it in and letting her rant, but everyone's jaw hit the floor when she wrapped up her argument by stating...

"What makes a natural born citizen any more qualified to lead this country than one born by c-section?"

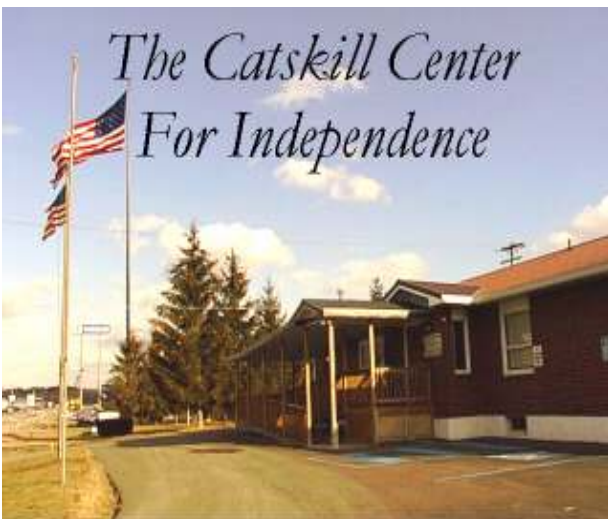
And someday she'll vote!

“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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