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## **PROJECT HAVA**

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### **Disabled Governor “Disses” New Yorkers with Disabilities**

(Oneonta, NY): New York’s disability community has denounced Governor Paterson’s recent veto of two critical pieces of civil rights legislation. Both bills, passed by a vast majority in both houses of the state legislature, would simply require state law to conform with existing federal requirements under the Americans with Disabilities Act (ADA). Outraged disability advocates are calling on the state legislature to override the governor’s vetoes to ensure the civil rights of people with disabilities in New York are upheld.

One bill, A. 584 (Cahill)/S.1058 (Addabbo), would require all polling sites to comply with the accessibility guidelines of the ADA. Across the state, polling sites are rife with ADA violations disenfranchising people with disabilities in their right to accessible voting. The new law will update state election law to be consistent with long-existing federal requirements, eliminate outdated waiver language, provide clear instructions for compliance, and finally create a means for oversight and enforcement in the state. Inaccessible sites can either be moved, consolidated, or modified using **pre-existing state and federal HAVA funds for costs incurred.**

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. “Neither law is flawlessly and thoroughly adhered to; it has taken years of committed effort to see them recognized let alone implemented,” said Chris Zachmeyer, Chair of the New York State Independent Living Council (NYSILC). “The ADA lacks weight here in New York because our state laws do not adequately reflect the federal mandates. Saying there isn’t enough time is preposterous. Claiming fiscal constraints as an additional reason to veto is absurd when right now in the state’s coffers are several million dollars in HAVA funds specifically reserved for making polling sites accessible. Time is relative and money is available. The Governor’s veto makes no sense.”

The other bill vetoed, A.781-B (Paulin)/S.5396 (Huntley), adds federal ADA Title II language into state statute, clarifying the obligations of government officials and strengthening the civil rights protections for people with disabilities. Title II of the ADA protects people with disabilities from discrimination on the basis of disability in services provided by public entities, including state and local governments. In the proposed bill, public entities would be required under state law to make reasonable accommodations—the same accommodations already required by federal law—and individuals with disabilities would gain critical access to the administrative enforcement mechanisms through the State Division of Human Rights. **This bill imposes no new or additional requirements upon local governments or businesses.** Governor Paterson’s opposition to this bill rest on definitions that do or do not appear in the legislation’s text and he fears a possible “broader interpretation” might expose the State to lawsuits.

“In effect,” said Frank Pennisi, Chair of the A.D.A. Committee of NY, “Governor Paterson is reminding New Yorkers with disabilities they will remain disenfranchised, marginalized and discriminated against. This is unconscionable and cannot be allowed to continue.”