

HAVAccess

The election reform resource to help you address polling place access



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HAVA Happy Holiday Season!

HAVAccess, is Inclusion Solutions' free newsletter to help election officials implement the disability access provisions of the Help America Vote Act. Please call toll free at 1-866-232-5487 to discuss accessibility in your jurisdiction.

HAVA Happy Holidays -- But Deadlines Are Approaching

January, 2006 and HAVA's first deadlines are approaching quickly and officials are scrambling to address the many requirements. Accessibility remains a major concern.

As all know, HAVA requires an accessible voting machine in each polling place by 2006. And it also requires, per a [U.S. Department of Justice opinion](#), that the polling place be accessible to voters with disabilities. These deadlines both remain intact but the exact date of the deadlines remains uncertain. Some have interpreted these requirements as having a January 1 deadline, others the first federal election of 2006 and still others the November, 2006 general election. And some issues, such as fallout in the gulf states from the hurricanes makes compliance there even more of a challenge.

At the Midwest Election Officials conference in Kansas City, Hans von Spakovsky of the DOJ spoke on HAVA deadlines. While he remained firm on the earlier deadlines of the statutory language of HAVA, he pointed out that in terms of litigation the DOJ has great "prosecutorial discretion" on which jurisdictions they conduct litigation against. He noted out that election authorities that have made good faith efforts to comply with HAVA's provisions will not be the target of early scrutiny.

Thus good faith efforts to solve HAVA's accessibility provisions will go a long way to both ensure HAVA's accessibility mandate *and* protect your jurisdiction from potential litigation.

Funding remains uncertain -- no additional HAVA funding is

Contents

[HAVA 2006 Deadlines Approaching From My Perspective](#)
[Electoral Access for Deaf and Hard of Hearing](#)
[Polling Place Access: Churches](#)

From My Perspective...

Jim DeJong is the Executive Director of the Great Plains ADA and IT Center in Columbia, Missouri. He has worked with and conducted training for election officials in several states on HAVA accessibility projects. He also served on the Missouri state committee that coordinated the survey of several thousand polling places in Missouri.

I work with businesses and governments throughout the Great Plains region on accessibility. It's been great to work with officials in Missouri and elsewhere on making the electoral process more accessible to everyone – improving access to voting is an investment in the most basic part of the democratic process. It's also a pleasure to share some thoughts that may help you understand these requirements as your offices work to make your polling places more accessible under HAVA.

Some people think the Americans With Disabilities Act and other access requirements for businesses and polling places are arbitrary and unreasonable numbers. I can tell you first hand that they make sense – most measurements come from the basic footprint of a wheelchair of 30 inches by 48 inches. It takes at least a 60 inch square space to turn a wheelchair – and a 6 foot by 6 foot area is even better. And the forward reach

anticipated at this time under either the Section 261 HHS EAID grant provisions or the law generally.

Officials thus face 2006 accessibility deadlines on polling places with only a fraction of HAVA's anticipated funding. What are the potential solutions? Several are available:

- Election officials and disability rights advocates alike must continue to talk to Congressional leaders to ensure that the polling place accessibility portions of HAVA continue to be funded if not in 2006, then in 2007 and beyond.
- Redirect unrestricted HAVA funding to polling place accessibility as many states have done
- Fund accessibility projects through other sources

While the weather events of these past few months are unprecedented and deserve immediate attention, HAVA and accessibility must not be forgotten. Ensuring adequate funding is necessary to realize HAVA's accessibility mandate and is by far preferable to the alternative -- waiting until DOJ and advocates force compliance through litigation.

Other Developments on Access

California: [Secretary of State Bruce McPherson Announces Creation of Voting Accessibility Advisory Committee](#)

New York: [New York Project HAVA Quarterly Newsletter](#)

Mississippi: [Clark: Federal funds needed for Mississippi elections post-Katrina](#)

Minnesota: [Some area disabled people will soon be able to vote in private](#)

Florida: [Alternate voting machine is costly](#)

Michigan: [Michigan Looks for Voting System for the Disabled](#)

Missouri: [Funds awarded to improve voter independence at polls](#)

New Hampshire: [Towns get favorable review on accessibility](#)

Making Elections Accessible for the Deaf/HOH

Under HAVA, special attention has been paid to voters who are blind and low vision for whom accessible DRE machines present a new level of privacy and independence. And making physical changes to polling places benefits voters in wheelchairs or with other mobility disabilities. Voters who are deaf and/or hard of hearing face a different set of challenges to accessible elections – but simple things can make the electoral process accessible to these voters as well.

Essential to ensuring accessibility to these voters is effective communication. Election judges cannot be expected to know American Sign Language (ASL), but much can be done to facilitate interaction. Below are some tips:

for doors and handles of 48 inches is as far as I can go without risking falling. I'd encourage you to try yourself to reach from the chair you are sitting in now – you'll find that it's much easier to reach higher to the side than forward in front of your body.

Likewise, ramps sloped at 1:12 – or one foot of length for every foot of rise are a minimum – anything steeper than that can be impossible to get up. Heavy doors or inaccessible door handles can be impossible or difficult to open for many. And remember – these are minimums. You are certainly allowed to and encouraged to go beyond the minimums to make elections more friendly for everyone. America's aging population is only going to make universal design more important in upcoming years.

I realize that there are some immediate deadlines for accessibility under HAVA. Are all polling place access issues nationwide going to be solved by the end of 2006? I hope so – but I also understand that America is in a transition time with economic issues and the fallout from Hurricane Katrina among other concerns that sometimes take precedence. Nevertheless, we need to keep moving forward on the accessibility of polling places (and society as a whole) through continued work and creative funding solutions. The ADA itself suggests that entities create a "transition plan" for ongoing improvement and the same objective of slow and steady improvement applies to elections as well. Sometimes you have to take a lot of little steps in order to create one big step forward.

I should mention that not all solutions to solve polling place access have to be expensive. Temporary parking can be created with signage and cones. Mats can be used to make unpaved lots accessible. A door might be solved just by propping that door open or stationing someone outside. And a simple temporary ramp can solve a curb or a door threshold barrier.

Here in Missouri, I've served on the committee that helped coordinate training for advocates and election officials statewide. Ultimately we've surveyed over 3,500 polling places statewide. What's been most gratifying about the process is that we've started to create a forum and a dialogue between the election officials and the disability

- "Deaf" and "hard of hearing" are acceptable terms to use;
- To identify a deaf/hoh voter, look for a person using sign language, uses a hearing aid, or has a service animal.
- Face the person to whom you are speaking, even if an interpreter is being used. To get their attention, tap their shoulder. Do not raise your voice to a voter who is deaf or hard of hearing unless asked.
- Speak calmly, slowly and directly to a person with a hearing disability. Facial expressions, gestures and body movements help in understanding. Keep your hands away from your lips.
- If you have difficulty understanding the person's speech, let them know, but do not interrupt them.

Simple solutions available at the polling place can also help. For example, having a pad of paper and pen available to voters is a simple way to communicate. Polling locations should also consider options such as communication cards which contain common questions that may arise on election day that the judge can point to to inform the voter (such as "Have you moved?", "Which party's ballot do you want?", "Do you need another ballot", etc.).

Other, more high-tech solutions are also available to make the electoral process even better. One is a simple amplifier to allow voters to better hear spoken communication. Another is an [induction loop system](#). Induction loops are commonly used at concert halls, sporting arenas, and drive-through restaurants to make them more accessible for the deaf and hard of hearing. For election (and everyday office use), there are also available portable induction loop systems that sit on a desk and project spoken communication directly into the T-coil equipped hearing aid of the voter.

While deaf and hard of hearing voters have not gotten the attention of other disabilities, they still represent a significant population and ensuring that the electoral process is accessible to them is easily accomplished with simple communication solutions and common sense.

Polling Access: Churches

Churches and other religious facilities are common facilities for polling locations. Centrally located, underused on weekdays, and often containing large common rooms, they can be an excellent location. But they also pose special problems for disability access.

Central to the problem with churches is that they are private facilities – and are normally exempt from Americans With Disabilities Act accessibility requirements (although common sense dictates that they should become accessible). Thus these facilities are not subject to accessibility requirements 363 days of the year. Yet on the two (or more) days that they are used as polling places, they are required to be

community.

I'm excited that election officials in my region and elsewhere are now in the process of solving many of the access issues that the surveys have identified, utilizing low cost solutions. I'd encourage all of you to working with local advocacy (disability) groups. It not only brings in needed expertise, but creates a forum for understanding and for ongoing improvement that will serve all of us well for many years.

[Great Plains ADA Center](#)

Inclusion Solutions

Inclusion Solutions carries over [90 products](#) to solve polling place access issues and is the nation's leader on this part of HAVA -- we only carry the very best of each category of accessibility solutions - - don't accept imitations. We will be coming out with our new catalog next issue with many new products and solutions -- but cost increases will force us to raise some prices. Order now for your last chance at 2005 prices.

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See also our [Braille and Alternative Format Materials](#)

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usable by all voters.

Further complicating matters is the fact that these churches aren't owned, operated, or controlled by the election official. And making churches permanently accessible can be a problem. For example, one clerk spent \$10,000 making a church accessible for elections. But shortly after the next election -- after one voter had used the new ramp once -- church officials told the county that they could no longer use the church as a polling location.

Many states have determined that public HAVA funding cannot be used for permanent changes on private facilities such as churches for these reasons and because of concerns about intermingling church and state. Faced with these concerns, temporary accessibility solutions are particularly appropriate for use at churches. Improvements that are owned by the election official, brought out on election day at the church, and removed after use are an excellent alternative.

Thus specific issues that are common at churches include imperfect parking lots, as many churches have painted lots but no upright signs -- temporary signs can resolve this. Others have unpaved lots that may require temporary matting rather than expensive paving.

As churches are often some of the older buildings in our communities, heavy doors are also a common problem. This can be resolved by adjusting door pressure, stationing officials outside to assist with the door, or an alert system. And many churches will have an entryway to a foyer with a steep flight of steps leading to the inaccessible voting area. An excellent solution to this problem is to create an auxiliary accessible voting area at the top landing of the stairs. While there may be inadequate space to move all voters to the top of the stairs, there is often room for a single accessible voting booth where a voter who cannot get up or down the stairs can still vote in privacy.

Churches and other religious buildings will always remain polling locations -- but making sure that all voters can use these facilities is crucial to HAVA's mandate.

Check out the [Inclusion Solutions Catalog](#) for temporary solutions that can be used at churches.

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