

HAVAccess

The election reform resource to help you address polling place access



[Inclusion Solutions 2006 Catalog](#)

Access on Fast Track to November

HAVAccess is Inclusion Solutions' free newsletter to help election officials implement the disability access provisions of the Help America Vote Act. Please call at 1-866-232-5487 to discuss accessibility in your jurisdiction. This is a second run of our July newsletter sent out to additional election officials nationwide who may not have received it the first time. Our apologies if some officials may have received this twice.

The primary season continues through the summer and early fall with many more states poised for August and September primaries. And the general election looms as many HAVA issues such as security and VVPAT remain unresolved. And accessibility remains central.

New York Update

New York is pushing hard to address accessibility, but some advocates question whether it is enough. New York's "Plan B" response to the [DOJ complaint](#) includes only one accessible machine per polling location for the fall election.

Challenges to this include the [New York Project HAVA](#) and the [Rochester Center For Disability Rights](#). See also article from the [Gotham Gazette](#). While this issue has been discussed in more detail in the last issue and in other venues, it remains a concern to many.

The news is better with respect to physical accessibility of polling places. The state has aggressively addressed the issue of polling site access. New York officials have proactively ensured adequate funding. The state has not only over \$2.4 million in Health and Human Services Election Assistance for Voters With Disabilities (EAID) funding but a full \$5 million in state funds approved by the state legislature. Ironically, New York therefore remains one of the few states funded on polling place access at an amount consistent with (or better than) the intent of HAVA's framers. Officials were supposed to provide the [State Board of Elections](#) with an idea of what they are doing to address physical access by no later than July 31, 2006. There do remain a few bumps -- for example certain portions of Westchester County have been [sued for access](#) but the process for meaningful improvement looks to be in place.

Ramp Slopes, ADA, and the Catalog Ramp Chart

Inclusion Solutions's catalog includes on page 10 a chart guiding officials as to possible ramp sizes for certain size steps. A few advocates have pointed out that this chart might be confusing to some -- and we wanted to clarify any possible misunderstanding. Remember that the ideal maximum slope for a ramp under the ADA Accessibility Guidelines for new construction is *1:12 -- or one foot of ramp length for each one inch of rise*. The only exceptions are for alterations where an existing facility does not have room to construct a 1:12 ramp -- although this situation does occur at polling places on occasion. Please take a look at the [1:12 Ramp Chart](#) for clarification

HHS EAID Funding (Continued)

While all hope that access will be completed by the November 2006 election, realists understand that there is always more to be done. And the framers of the Americans With Disabilities Act point to a continuing obligation to continue to increase accessibility. Thus it is a positive development that 2007 funding for the HHS/EAID program still remains likely, given President Bush's [proposed budget for next year](#). Once again, local officials and advocates should continue to pressure Congress to ensure that this funding is appropriated.

Other Developments on Access.

Massachusetts: [Voting Tool for Disabled Delayed: State Lags Behind Federal Deadline](#)

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From My Perspective...

by Dorie Stewart

Doris (Dorie) Stewart is a long-time advocate in Chicago. She has worked with many advocacy organizations over the years. Her sunny disposition and work ethic are one of the best things about Inclusion Solutions.

If you have received a catalog from Inclusion Solutions in the last two years, I probably sent it out to you. And if you call our office, I usually answer the phone. But I wanted to share my story with you. I've had chronic progressive MS for the past 34 years and while I can still walk, usually I need to use a wheelchair.

The issue of accessible voting is dear to my heart. I vote in every election -- but for 27 years -- between 1978 and 2005 -- I was not able to vote at my local precinct because it was completely inaccessible to people with disabilities. And I admit, when I first heard about the Help America Vote Act in 2002 I worried that it would be yet another empty promise -- a great idea that may never be implemented. But seeing the changes made to ensure accessibility in the last few years has been exciting.

It was a thrill to me when, in March of this year, I was finally able to vote at the same location at the same time as everyone else. It made such a difference being able to vote on election day.

Some people suggest absentee

California: [Disabled voters' rights violated, lawsuit claims](#)

Ohio: [Access for Voters Pushed.](#)

Pennsylvania: [Sites Made Accessible](#)

Colorado: [New Machines Allow Disabled to Vote.](#)

Oregon: [Vote of Confidence.](#)

Michigan: [Disabled get a vote of confidence privacy.](#)

California: [Cal Tech Project Outlines Voting Observations \(Including access\)](#)

The U.S. Department of Justice – Assistance or Uncertainty?

One of the enigmas of the election reform process is the United States Department of Justice ("DOJ"). The DOJ has been both a source of assistance and concern for election officials nationwide when addressing the issue of voters with disabilities.

DOJ's Civil Rights division includes both a [Voting Rights Section](#) and a division focused on Disability Rights that normally enforces the Americans With Disabilities Act (see [DOJ ADA Homepage](#)). HAVA's disability access provisions cross into both of these areas. And the DOJ does impact other areas of voting such as minority language requirements (which are not addressed here).

In some instances, the DOJ has been a valuable resource. The [DOJ ADA Checklist for Polling Places](#) has been a great tool for election officials nationwide to evaluate their polling places for accessibility and contains many diagrams and suggestions for improved access in addition to the surveys.

And the DOJ has helped clarify some of the incomplete mandates of HAVA. For example in 2005, the DOJ expressed in a [letter to the Mississippi SOS Elections Division](#), the opinion that HAVA does require accessible polling places in addition to accessible machines. There DOJ stated that "As we have expressed, logically, persons with disabilities must be able to gain access to the polling place in order to be able to use the accessible voting system. Having an accessible voting system does little good if voters cannot enter the polling place to use it. Hence, not only must the voting system be accessible to persons with disabilities but also the polling place where the voting system is located." DOJ also mentioned in the letter that "The only exception to the physical accessibility requirement for polling places might arise if a polling place uses a portable voting system that is accessible to persons with disabilities and can be taken out to a car at the curbside..." – a statement that suggests that curbside voting – on a federal level – is an acceptable alternative for certain locations.

And DOJ officials have even gone so far as to travel to election conferences around the country and explain their interpretation of various portions of HAVA to local officials (on both accessibility and other issues).

voting for voters with disabilities. I remember more than one time when I voted absentee ahead of time, and my candidate withdrew from the race before the actual election day. Voting absentee had disenfranchised me!

Some voters prefer absentee voting. Others prefer curbside voting. What I want to tell election officials is that these are great alternatives to have – but they can't be the only options. Voters with disabilities – like everyone else – all have different preferences.

I've worked in advocacy organizations for many years including for 7 years with the Greater Illinois chapter of the [National Multiple Sclerosis Society](#) and the [Council for Disability Rights](#) for 15 years. But the last 1 ½ years with Inclusion Solutions have been special.

It is so exciting to talk with election officials around the country and help them realize the promise of HAVA and the ADA – accessible voting for all Americans. Working with advocates, clerks, and election officials alike has been a privilege and I appreciate all of your efforts. Rarely does someone get to work in an area they have a passion for – I am truly fortunate.

So the next time you call us or get a catalog from Inclusion Solutions know that the person behind it is doing more than a clerical task. My heart and soul is behind my work and I want to let all of you know that improved access to elections makes a huge difference to millions of citizens in the United States including the grateful voter who sent you a catalog.

Inclusion Solutions: Every Month -- More New Ideas

Inclusion Solutions continues to come up with even more [110 products](#) to solve polling place access issues and is the nation's leader on this part of HAVA.

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But other officials express some frustration and inconsistency with respect to DOJ. For example, any call to the DOJ ADA help line (800-514-0301) is met by a disclaimer that the advice given is "informal guidance" and is "not binding on the Department" – little reassurance to officials wanting to be sure they are compliant. And many inquiries to the DOJ will meet with the same string of disclaimers.

And in other instances, DOJ opinions appear at least partially inconsistent. In the Mississippi letter, the DOJ outright rejected Mississippi's plan to provide "at least one accessible polling place with one accessible voting system in each of the five supervisor districts in Mississippi's 82 counties."

Yet in 2006, DOJ (albeit reluctantly) after filing [a complaint against New York.](#), accepted New York's interim plan to in some counties only provide one accessible voting machine per county. DOJ reasoned that: "While we seek no less than full compliance with HAVA in the future - and New York has proposed a time for full compliance - we also are mindful of the thousands of individuals with disabilities who may be able to vote in a more accessible manner through the limited efforts at HAVA compliance that the State proposes here, and so believe even such limited efforts to be of the utmost importance and consistent with the goals of HAVA."

Other areas also can be confusing. For example on page 20 of the [DOJ ADA Checklist for Polling Places](#), it shows what may be a flat-panel style door labeled as accessible while the similar [letter DOJ ADA Guide for Small Businesses](#) on page 12 has a similar-looking door labeled "not accessible."

Finally, there is uncertainty what DOJ may do in 2007 and beyond with respect to compliance. The agency just doesn't have the resources to file litigation against every jurisdiction with outstanding accessibility problems nor does it appear that it has the inclination. Review of past litigation and listening to agency officials speak suggests that the focus will be on counties and states that have largely missed HAVA's mandates altogether rather than going after jurisdictions that have attempted to comply with the accessibility provisions but which may not have completed all needed improvements.

The U.S. Department of Justice remains an important and valuable resource for election officials nationwide. And when election officials meet DOJ officials at conferences, they are always informative and helpful. Requesting clarification on these and other areas of uncertainty will help DOJ remain an asset to election administrators nationwide.

Polling Access: Non-Traditional Locations

This is the final article in a series discussing access concerns at specific polling sites.

In the last three issues, HAVAccess has explored specific

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

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accessibility challenges at several types of polling locations such as schools, churches, private homes, businesses and government buildings. But not all sites can be placed into these categories. And some of the non-traditional locations can present the most interesting challenges of all.

Different polling sites pose different obstacles. Schools, for example, may have security issues for the students that must be addressed, and churches and other religious facilities offer the challenge of facilities that are not covered by the ADA on the days that they are not being used for elections.

Sometimes older buildings of historical significance such as older courthouses, museums, and similar locations. These can pose a particular challenge to access because the ADA does not normally require changes that "alter the historical significance" of the facility. Thus certain desired improvements, such as permanent exterior ramps or lifts may not be allowed. In these situations temporary improvements or alternative service arrangements may be the best options.

Another concern, especially when using these other locations is that they must provide voters with not only an accessible voting experience but a dignified one. One Illinois County placed a polling site in an animal shelter. Most voters entered through the front of the facility up several steps into a clean, well-lit waiting area. In this part of the facility were not only the voting machines, but also the "cute" dogs and cats that the shelter was presenting for possible adoption.

Unfortunately, the route for voters with disabilities not only involved a locked rear door and a dangerous traverse across a catwalk, but also required that voters with disabilities pass through the holding area for the other animals – those that were nasty, stray, or otherwise unsuitable for adoption. Running the gauntlet of these "bad dogs" was a frightening experience for any voter, with or without a disability. While this county did change this location, this story does illustrate that any route to be taken by voters with disabilities must be simple, well-marked, and dignified.

One upstate Indiana County posed unique challenges. One polling location was in a pigeon club. The facility owners kept a large stash of pigeons in the back for various birding and courier projects. Coupled with the narrow, dangerous steps voters had to traverse to enter the site, this location was a challenge.

And some locations – no matter what the efforts – simply cannot be made accessible. There is a polling location at the bottom of the Grand Canyon that serves approximately 200 Native Americans. Supplies must be tracked down by burro. No amount of HAVA funding will be able to bring this site up to ADA standards.

Thus creative solutions and alternative service are required to

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Gearing Up For November

Summary: Polling location types

address polling place access at these locations. But in a country as diverse as the United States, it's no surprise that polling locations will be in a wide range of facilities as well.

Check out the [Inclusion Solutions Catalog](#) for temporary and permanent solutions for private facilities.

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