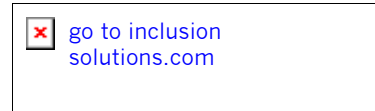
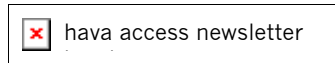


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**JUNE 2003**

**Vol. I No. 2**



**Last Chance For HHS Funding**

This is the fourth issue of *HAVAccess*, a free newsletter developed by Inclusion Solutions to help election officials implement election reform measures -- specifically the accessibility provisions included in the Help America Vote Act (HAVA). If you would like copies of earlier issues, please email us at hbundy@inclusionsolutions.com. If you do not wish to receive any further issues, please follow the instructions at the bottom of this e-mail.

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**DON'T MISS OUT ON ACCESSIBILITY FUNDING**

\$13 million is available in FY 2003 through the Department of Health and Human Services under the Help America Vote Act for making polling places more accessible to voters with disabilities, but time is running out for state officials to make an application. July 7th is the deadline for applying to the HHS for these HAVA-authorized funds.

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Application information for these monies are available at:

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-12699.htm>

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[HHS Access to Polling Places Grant Application Process](#)

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**North Carolina -- a Leader on Access**

North Carolina's Edge on Elections Access: Commitment from the Top & Training

*By Michelle Wyatt Mrozkowski, former Director of Business and Information, NC State Board of Elections and former member of the National Task Force on Election Access*

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The shortest path to accessibility compliance isn't always clear, especially when your jurisdiction is comprised of 100 other jurisdictions that reach from the Atlantic Ocean to the Appalachian Mountains. Geography, architecture, history, low-wealth local governments, and local tradition all exist as competing interests in making decisive changes toward greater accessibility at polling places.

I worked with Gary Bartlett (North Carolina's Director of Elections) during what could be called "the renewed awakening" of election administrators to the issues of accessible elections. When other administrators sought ways to defeat Senate Bill 511 in 1999, he studied it carefully and sought compromise between the two groups. During meetings with accessibility advocates, North Carolina officials were made clear of one thing -- we would not be permitted to offer up petty excuses for our failures. If we were in the wrong, then North Carolina would face its shortcomings head on and make it right.

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We did not dispute ever that there were polling places in North Carolina that were not up to ADA guidelines. North Carolina law allowed for options such as curbside, absentee, or "handicapped transfer," and even most voters with disabilities, when polled, thought those to be reasonable options. With no prior pressure from North Carolina citizens, election accessibility had simply not been on the radar screen since the passage of the 1984 law (Elderly and Handicapped Voting Act) and prior to S511 in 1998/1999.

As Co-Chairman of the National Task Force on Election Access, Gary Bartlett listened carefully to the discussions of both groups and while seeking compromise on a national level, sought full compliance with ADAAG standards at home in North Carolina's polling places. North Carolina was to be an example of what could be achieved with commitment from the top and a concerted education and training effort.

North Carolina devised a State Task Force on Election Access comprised of local election officials and advocacy leaders. The task force first discovered that two of the greatest obstacles to accessible elections were lack of sensitivity to voters' needs and lack of transportation. While there was little to be done by election administrators to improve public transportation, there were architectural and attitude barriers that could be addressed. In some of the first meetings, the basis for educational videotapes was established to respond to these obstacles.

As a state level mandate from Gary Bartlett, in the summer of 2000, election officials evaluated over 2,500 polling places for accessibility. The North Carolina Task Force learned that the Americans with Disabilities Act Accessibility Guidelines were in actuality a complex set of measurements that are difficult to understand based solely on diagrams and written legal language. The State Board office also identified, through the conduct of focus groups, the main barriers to access are attitudes and perceptions that precinct officials have about people with disabilities. With all this in mind, the State Board office was able to provide training and information to help improve access in polling places by increasing the knowledge of those conducting elections.

The State Board office provided written standards for the requirements and measurements for making polling places accessible. The N.C. State Board office also found one of the best ways to reach a large audience was through the development of a well-produced training video.

The North Carolina State Board of Elections staff produced two resources regarding meeting the specific needs of voters with disabilities. Through a two part video series, training is provided in two areas. One video entitled, "Accessible Precincts Mean Accessible Elections" was produced as a sensitivity training piece for election and precinct officials. The video is structured with animated scenarios and a four-person panel discussion related to the animated scenarios. On the panel are Lee Page, Associate Advocacy Director of Paralyzed Veterans of America, Debbie Jackson with NC Services for the Blind, Don Bowen with the NC Division of Vocational Rehabilitation and Andrew Murray with the Caswell County Board of Elections of North Carolina.

The second companion video, "Ensuring Equal Access for All Voters", outlines all measurements and technical requirements of the Americans with Disabilities Act Accessibility Guidelines. It is to be used as a tool for in-house training and as a reference guide. Because the requirements are shown visually, it proved much easier to comprehend than written manuals.

Many states, after viewing the videos at a conference of The Election Center in New Orleans, requested copies and used the training videos. Currently, both videos are packaged together with instructional handouts to facilitate group training and are available for purchase. The videos are also offered on the State Board of Elections website at

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<http://www.sboe.state.nc.us> . For more information or to purchase a video, contact:

NC State Board of Elections  
P.O. Box 27255  
Raleigh, NC 27611-7255  
phone: 919-733-7173

Other tools used for information on making polling places accessible include power point presentations that offer visual examples of common polling place barriers, available at <http://www.sboe.state.nc.us> . The presentation provides results from surveys, general findings/observations, challenges, success stories and photos in order to allow for a clearer understanding and suggestions for temporary solutions to making the polling place accessible on Election Day.

Since the passage of HAVA many jurisdictions have found themselves in the role of waiting for the funds to purchase modifications or temporary solutions. However, pre-HAVA North Carolina was hard at work using ingenuity influenced by a commitment from the top and knowledge gained from training initiatives.

### ***Synopsis: Election Reform, Polling Place Accessibility, and the Voting Rights of the Disabled***

The following is an executive summary of an article published in Volume 2 Number 2 of the Election Law Journal by Hollister Bundy. We recommend that interested persons read the entire article, as this synopsis is only a cursory overview and omits many important references and statistics. You may also address requests for the full article to Hollister Bundy at [hbundy@inclusionsolutions.com](mailto:hbundy@inclusionsolutions.com).

Soon after the contested 2000 presidential election, the United States General Accounting Office ("GAO") issued its landmark report on accessibility of polling places and found that 84% of all polling places had some barriers to voters with disabilities. Based upon this study as well as increased pressure from advocates, Congress ensured that polling site accessibility was addressed in the Help America Vote Act through a \$100 million allocation (and significantly less appropriation) to address the issue.

The GAO and others surveying the issue found several key areas that impede access for voters with disabilities. These include parking areas and paths of travel, thresholds or steps at the entry and interior access. One issue that is frequently overlooked by election officials is that of door weight and door hardware. The GAO found that 26% of the doors used on polling places would be very difficult for a person in a wheelchair or with a mobility impairment to open. The best way to evaluate door hardware is the United States Department of Justice's "Fist Test" -- if an average person can operate the door with a closed fist, it is deemed accessible. Thus loop-style, push-in, and lever doors are usually accessible while doorknobs, handles with latches, or flat panel-style doors are not accessible and should be remedied through retrofits or alternative solutions.

Although advocates and people with disabilities demand equal access, election officials face a difficult situation even when committed to change. Ultimatums by some advocates that all polling places must be moved to accessible locations or changed altogether ignore the realities that officials face. Limited availability of accessible locations, the high cost of access changes, and administrative challenges such as the fact that officials usually don't control the polling sites they use make accessibility changes a significant challenge. Nevertheless, many officials underestimate the problem of access and believe that many more of their sites are accessible than truly are. And the viewpoint of advocates that the right to vote is fundamental and that

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America's 54 million Americans with disabilities must not be disenfranchised cannot be ignored. Alternative solutions have been put in place in many jurisdictions such as absentee voting, centralized accessible locations, and curbside voting, but these solutions are not a complete answer to the problem.

The statutory scheme for accessibility prior to HAVA is imperfect, with certain standards arising from the Voting Rights Act, the 1984 Voting For Elderly and Handicapped Act, and the Americans With Disabilities Act. Some states have attempted to codify standards for accessibility as well. But problems such as lack of uniform standards and lack of communication between advocates and officials have made changes difficult and have led to litigation. Officials in Florida, Michigan, Baltimore, Philadelphia, Washington D.C., the city of Chicago and several New York counties are just some of the electoral jurisdictions that have faced significant litigation concerning the issue of access.

HAVA does provide some standards on accessibility and requires accessible voting machines in future years. But while it doesn't directly mandate polling place accessibility with new standards, it should be read to mandate accessibility within reason. Neither the extremist positions of advocates to require full access nor the belief of some officials that they do not have a problem or that alternative methods such as absentee voting suffice are appropriate. Moreover, financial incentives in HAVA will likely constructively mandate accessibility. For example, Section 253 of HAVA requires that a state certify that it is "in compliance with" laws including ADA and VAEHA. One could argue that state HAVA plans will not be adequate to pass muster and will not allow states to receive federal funds absent some affirmation that the state has addressed the issue of polling place accessibility.

Finally, there are some solutions and initiatives consistent with the congressional intent of measured accessibility. Initiatives in Texas, North Carolina, and Florida, for example, show a commitment towards working through the issue. Some states, such as Rhode Island, have already addressed the problem on a statewide level. Advocates have also progressively worked on the problem as have private companies through products such as Ballot Call. With the combination of new legislation, increased awareness of the issue of access, and proactive initiatives on the issue, hopefully HAVA's requirement accessible machines can be matched by accessibility of polling places in the near future.

*Editor's Note: Since the publication of this article, many states have come out with their HAVA plans and have made polling place accessibility a part of this plan through new surveys of sites, funds earmarked for the issue, cooperation with advocates, and other proactive measures. Inclusion Solutions encourages all states to ensure that they are addressing the issue of polling place accessibility in their state HAVA plans. Nevertheless, one troubling trend has been Congressional limitation of earmarked funds for the issue. Of the \$50 million allocated for FY 2003, only \$13 million was appropriated. Spread out over America's estimated 180,000 polling places this comes to only \$72/location. Early drafts of FY 2004 budgets have had the \$25 million allocation omitted entirely. We encourage officials to strongly pressure Congress to ensure that HAVA's mandate is funded.*

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