

HAVAccess

The election reform resource to help you address polling place access



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2006: (More) Funding, Complying and Litigating

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.

Two major developments have happened in recent weeks as the first states get ready for 2006 primary elections and HAVA deadlines. While the United States Department of Justice has sued the State of New York for HAVA non-compliance, funding under Section 261 of HAVA for polling place access has been renewed in 2006 and potentially in 2007.

New York Litigation

Election officials have wondered when and how the U.S. Department of Justice would start to enforce HAVA. The filing of litigation against the State of New York for alleged non-compliance with HAVA answers some of these questions. The [complaint](#) alleges numerous violations including failure to implement an accessible machine at every polling place.

The [complaint](#) does not specifically reference polling place accessibility. However, advocates in New York have also challenged the state's slow progress on surveying and improving polling sites. Considering [U.S. DOJ's previous opinions](#), on the interaction of voting machine and polling site accessibility, it is conceivable that polling site access might eventually become part of the litigation.

Additional HHS EAID Funding

The other big news is the renewal of the HAVA Election Assistance for Individuals With Disabilities (EAID) grant program for 2006. Funding for polling place accessibility and other related projects will be at levels similar to 2004 and 2005. The Department of Health and Human Services [Administration on Developmental Disabilities](#) is expected to come out shortly with a formal announcement on the 2006 program. Once again, funds will be administered through states and territories -- officials should check with state officials for details.

Better news still is that President Bush's [proposed 2006 budget](#) also contains continued funding. Specifically, it provides:

"...\$14,879,000 for voting access for individuals with disabilities programs. This is the

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From My Perspective...

Lee Page works for the Paralyzed Veterans of America in Washington D.C. He is the PVA's point person on voting accessibility issues and has testified before the Election Assistance Commission and elsewhere about the importance of accessible voting.

As a veterans service organization, the Paralyzed Veterans of America has been in the fight for accessible voting since 1947. Our members are military servicemen (and women) who have borne the ultimate sacrifice. For the longest time we've been turned away at the polls. Both personally and as a representative of PVA, I'm a strong advocate that all citizens have access to the polls and free and clear elections.

The Help America Vote Act and efforts to make elections more accessible in the last few years have been exciting. But I'm also concerned that some of these deadlines are not being met -- or are being sacrificed in favor of other concerns.

Section 301 of HAVA required an accessible voting machine in every polling place by January 1, 2006. While progress has been made, this uniform standard has not been met. Even more concerning is the effect that the debate over Voter Verified Paper Trails (VVPAT) has had on accessibility. This is an issue that came up after HAVA and shouldn't be used as an excuse to undermine HAVA's goal of accessible electronic

same as the fiscal year 2005 comparable level and the budget request. Within the funds provided, \$9,919,000 is for payments to States to promote access for voters with disabilities and \$4,960,000 is for State protection and advocacy systems...."

The continued funding of these programs -- although still comparatively at a lower percentage than most parts of HAVA, is good news for continued improved accessibility in 2006 and beyond.

Other Developments on Access

Montana: [Polling Place Access Issues Plague Montana Polls](#)

Illinois: [New Voting Equipment to Aid Disabled](#)

Indiana: [New Voter Machine Caters to All Needs](#) . See also [Districts scramble to meet mandates](#)

Other Links

New Jersey [2006 Polling Place Access Checklist](#)

New York: [Project HAVA Home](#)

Warm Thoughts: Election Access in America's Island Jurisdictions

As election officials, especially in the Northern states, emerge from the winter, HAVAccess examines how election accessibility is approached in some of the United States' tropical island jurisdictions. These states and territories include Hawaii, U.S. Virgin Islands, Puerto Rico, American Samoa and Guam. The extraordinary efforts made in some of these locales deserve mention.

These jurisdictions do have some advantages when it comes to accessibility, compared to other states. First, the HAVA EAID Section 261 polling place accessibility funds are provided on a pro-rata share by state or territory with a minimum annual amount of \$100,000. Some of these islands are much less populated than the states receiving this minimum. For example, while states such as Utah, Connecticut, Iowa and Mississippi received \$100,000 each in FY 2004 and FY 2005, so did these territories -- some of which have a population of only a fraction of these states.

Second, the tropical climate sometimes allows simple solutions that other states may not have. They don't need to worry about snow or ice blocking entryways. And when doors are too heavy or have inaccessible door hardware, they can sometimes simply be propped open on election day -- a luxury that clerks in many states don't have on a cold November day.

Puerto Rico completed one of the more extensive reports to the Department of Health and Human Services on their activities to date including surveying sites, training, and providing solutions for accessibility of polling places. For details, see the [actual report](#).

Other territories such as Guam and American Samoa, have discussed accessibility in their state plans and are still in the process of addressing issues. These jurisdictions face unique additional challenges such as their remoteness and rural villages.

voting for everyone.

A view shared by me and many in the disabled community is that knee-jerk imposition of VVPAT requirements sets election officials on course to ultimately use paper ballots -- defeating a central purpose of HAVA to get rid of them. To date, there has been no compelling evidence that DREs are insecure -- yet states continue to pass legislation mandating these paper trails.

Making matters worse is the negative effect of VVPATs on curbside voting. Curbside voting was codified as a part of the Voting for the Elderly Act over 20 years ago. While some voters with disabilities prefer to vote inside the polling places and some prefer to vote absentee, there are many for whom curbside voting is a viable, usable, and convenient option. One of the goals of these electronic machines was that they would be portable and could now be brought out to a voter who couldn't get into his polling place. But when a 8-10 pound voting machine has a 50 pound VVPAT printer added to it, it is no longer portable.

But I'm not altogether discouraged. I've been pleased to see efforts made nationwide to make polling places more accessible. Remember that making sites accessible is an ongoing process. Access includes everything from when the voter arrives at the parking lot until his or her vote is cast. This means parking lots, sidewalks, curb cuts, ramps, door weight and handles, path of travel inside, alternative routes, signage to direct voters and accommodations at voter check-in all must be made usable for all voters.

And even if officials install accessible voting machines and make their polling sites accessible, the final barrier is attitudinal. It's so important to make sure your deputies, pollworkers, judges and everyone involved in the electoral process is ready for, and eager for the opportunity to help voters with disabilities exercise their rights.

I've had the privilege of testifying about accessibility and working with advocates and officials nationwide. I'm excited by the changes that have been made but ask that everyone remember HAVA's original mandate and keep moving forward.

[Paralyzed Veterans of America](#)

But the efforts of the U.S. Virgin Islands and Hawaii merit special mention.

The [U.S. Virgin Islands](#) has made election accessibility a priority, according to director of elections John Abramson. The U.S. Virgin Islands has one more advantage when it comes to accessibility compared to other states. Election day is a holiday throughout the territory. Not only does this increase turnout, but it makes using schools for polling places much easier. Without students in session, some of the security issues at school that can cause accessibility barriers are resolved.

The U.S. Virgin Islands has also taken great steps to ensure accessibility of the election process. The elections office has worked with Virgin Islands Advocacy to complete surveys of every polling place throughout the territory. Each location is now working toward complete accessibility, and the territory is providing auxiliary aids at every polling place.

Hawaii has also made impressive efforts in terms of access. The Office of Elections has partnered with the Disability and Communication Access Board to provide widespread services and training. DCAB and OE have surveyed polling sites throughout the state and have provided many accessibility solutions. Further surveys and evaluation in 2006 will lead to even more improvements throughout 2006 and beyond.

DCAB has also sponsored training days and has worked closely with local officials to train them in how to survey polling locations – and they are in the process of completing a "how to" video on surveying. And each polling place in Hawaii will be provided with a custom "auxiliary aids" kit with numerous magnifiers, signature guides and more.

America's island jurisdictions remain committed to accessibility. And perhaps some mainland officials can envy their efforts in serving all voters, as well as their winter weather.

Polling Access: Schools

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

Schools are one of the most common locations for polling sites. But the public/private nature of schools as well as other concerns, makes locating polling places in schools a challenge.

Both public and private schools are used as polling places. Those sited in private schools can present some challenges similar to when churches are used. Private schools may or may not be covered under accessibility laws depending on whether or not they are part of a religious organization. Private schools pose special challenges because, when accessibility barriers exist, many officials are rightfully reluctant to spend public monies on these private facilities.

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When public schools are used as polling places, the challenges are even greater. Theoretically, all public schools should already be accessible to people with disabilities. Thus the polling locations should also be accessible. In fact, the U.S. Department of Justice and others have counseled election officials to use public schools for just this reason.

The reality, of course, is different. While public schools should already be accessible and be usable for all voters, many of them are not, in both urban and rural locations. Inaccessibility of public schools can be characterized into two types -- structural inaccessibility and location inaccessibility.

Structurally inaccessible schools have barriers that present any individuals with disabilities from getting into the location whether they are voters, students, or friends and families of students. Examples of such barriers might include steps at the entrance and heavy doors. These barriers are common at older schools throughout the United States.

When faced with such structurally inaccessible buildings, the ideal situation is to make permanent changes to the locations such as larger ramps or lifts so they are usable for everyone. And because schools are ideally made permanently accessible, using, for example, the permanent BigBell alert system instead of the portable BallotCall to solve heavy doors or door hardware problems may be a viable alternative.

Paying for these changes can be a challenge. But when making permanent changes to such tax-sponsored facilities that benefit all of society, it is appropriate to use federal HAVA funding.

Sometimes, however, schools that may be accessible to students and faculty with disabilities may still pose challenges to voters, based upon the election-day configuration.

The most common problem is when the voting area is located in a part of the school apart from the accessibility features. For example, voting may be in a gymnasium while the accessible parking is at the front door. In these cases, the area used for voting should also be made independently accessible even if it means creating temporary, election-day parking near the voting location.

In other cases, inaccessible parts of the facility may be used. Sometimes, for example, voting takes place on the inaccessible stage of a school auditorium. Ideally, this should be avoided or, at minimum, there should be an alternative accessible voting station. And, where alternative entrances or locations are used, it is particularly important that there is appropriate signage directing voters with disabilities to the accessible route.

Finally, when using schools, sometimes security issues conflict with accessibility. The classic example is where a school has an accessible side entrance but it must remain locked for security

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reasons. A possible resolution to this is to have an official stationed at this side entrance or have an alert system such as BallotCall that allows voters approaching this locked alternative entrance to request that it be opened.

Some states have considered closing schools on election day to resolve these issues. However, so long as voting and schools continue to coexist, common sense and planning can ensure that elections are accessible to everyone.

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

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