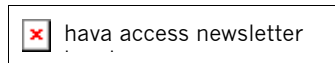


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Welcome

Welcome to the second 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). Look to *HAVAccess* for updates and analysis on accessibility provisions, funding guidelines, HAVA plans, practical ways to increase accessibility, case studies, success stories and much more.

If you do not wish to receive any further issues, please follow the instructions at the bottom of this e-mail.

The True State of Access At the Polls

Accessibility of polling places for voters with disabilities is addressed at length in the Help America Vote Act and has also been the source of litigation, animosity and uncertainty nationwide. This is an issue that has understandably been a source of great confusion and misunderstanding among election officials. Inconsistent studies and seemingly imprecise standards have contributed to a problem that election officials may consider hard to evaluate, let alone solve.

Many state and local officials evaluating the accessibility of their polling places believe that they are almost completely accessible and have only a few locations needing improvement. For example, an Illinois State Board of Elections survey found that only 586 out of 11,539 polling locations or 5% statewide were inaccessible. New Jersey state officials likewise touted 97% statewide accessibility in 2002. Many officials nationwide were thus surprised by the findings of the United States General Accounting Office (GAO) in 2000-2001. The GAO evaluated 496 polling locations in 100 counties in 33 states nationwide during the 2000 election and found that 67% of all polling/voting centers in the 2000 election had some major form of impediment to voters with disabilities and 84% had at least one barrier. 56% of sites were found to have some impediments but offered alternative services such as curbside voting and 28% of the locations in the US had at least one impediment and did not offer any sort of

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From My Perspective...

Each month, *HAVAccess* brings you the perspective of a voter with a disability, bringing to life the real barriers voters face currently when they participate in our political process.

Barriers

by Charles Downs

Charles Downs is the ADA Coordinator for Waynesboro Virginia. His wife, Mary Alice Downs is the General Voter Registrar of Waynesboro

We live in a progressive amazing and almost limitless age which offers so many more equal opportunities for persons with disabilities than any other time in history. It can be said that the opportunities which are afforded to us in this century have helped to open the door to our most sought-after and prized American value; and, that is, the freedom to cast a ballot in a democratic society.

Everything is in our favor:

alternative service.

While the GAO statistics were one impetus for the accessibility provisions of the Help America Vote Act, this still doesn't explain the wide difference in beliefs of accessibility. One reason for this difference is the standards applied. For example, the GAO used the standards for accessibility set forth in Title II of the Americans With Disabilities Act (ADA) and the Americans With Disabilities Act Accessibility Guidelines (ADAAG). The GAO Report concurs that "state provisions vary in a number of ways" and that states and counties vary in how they select, inspect, and modify polling places to become accessible. While the ADA does apply to polling places, never has a uniform standard specifically been developed for election officials, and states do have differing standards. Even the Help America Vote Act refers officials back to previous standards under ADA and the VAEHA. State HAVA committees now are addressing this issue.

But election officials also may be underestimating their accessibility issues. Some officials, for example, may incorrectly consider any polling place without steps at the entrance to be accessible. One barrier that is sometimes missed is entrances to polling facilities. The GAO Report found that 59% of all locations had inaccessible entrances for people with disabilities primarily not because of steps but as a result of problems such as narrow doorways, heavy doors, or doors with hardware that many people cannot open. Other barriers to access which are easy to miss may include parking problems or interior path of travel.

Unfortunately, it is sometimes only when litigation starts or when surveys such as the GAO Report come out that the scope of the problem of accessibility erally emerges. Election officials in upstate New York, Philadelphia, Baltimore, Washington D.C., Miami-Dade County and Chicago are just some of the jurisdictions that have had to resolve these issues in the courts.

Fortunately there are ways to ensure that your jurisdiction is meeting its obligations for accessibility. Ensuring that your evaluation of the accessibility of your polling places is objective and incorporates the appropriate standards is one solution. Enlisting the assistance of local disability rights advocates or hiring an outside consultant are other means of objectively evaluating the problems and can help in this area. Some companies are even developing software solutions to help officials analyze polling places for access and suggest solutions.

Solutions for resolving accessibility can range from moving polling places, to alternative arrangements such as curbside service (where allowed by state law), to simple product

- Federal legislation to assure barrier-free conditions to the polls and independent balloting for the voting process;
- Unbelievable, ongoing technology which has engineered aids and equipments that have made such a significant difference in allowing so many of us to become more independent;
- The recognition that personal value and diverse interests and abilities all contribute to a free society;
- The concept that employment offers the dignity to become economically self-sufficient and that this reward then allows us to be contributors to the American lifestyle;
- Strong local, state and national disability advocates who support the freedoms that are inherent to being an American;
- The continuing progress toward the enhancements of effective communication and accessible transportation, both of which will unlock even more personal opportunities and options; and,
- An age when computer technology is ever-changing the way in which the American goals of "life, liberty and pursuit of happiness" are perceived and realized.

However, the most important challenge, I think, is that we exercise the unique American privilege and responsibility which have been ours since 1776. Everything is being done to make this possible. Now, our human spirit and willful involvement are needed to help preserve the value which these accommodations offer. This can be accomplished only by us as active citizens and voters.

solutions or policy changes to ensure your current locations are meeting their obligations. This is an issue that states should address as they create their HAVA plans.

Fortunately, funding is now available for the problem. With millions of dollars earmarked under the Help America Vote Act for making polling places more accessible, now is a great time to proactively address the issue and ensure the full accessibility of all of your polling places for voters with disabilities.

HHS Funding Update

One challenge to accessibility for state and local election officials is accessing the funds available to make changes and finding other source of cash. Fortunately, HAVA offers some relief in terms of \$100 million allocated and \$13 million appropriated in FY '03 for polling place access. The Department of Health and Human Services has been charged with the task of administering accessibility funds associated with the Help America Vote Act.

The Department of Health and Human Services is the United States' government's principal agency for protecting the health of all Americans and providing essential human services, especially for those who are least able to help themselves. The Office of Administration on Developmental Disabilities is the specific HHS wing responsible for the program. The office has already put forth information on access on their Web site, available at <http://www.acf.dhhs.gov/programs/add/HAVASummary.htm>

HHS has reiterated on their Web site the mandate of HAVA that these funds are to be used "...for particular categories of activities: making polling places, including the path of travel, entrances, exits, and voting areas of each polling facility, accessible to individuals with disabilities, including the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters; and providing individuals with disabilities with information about the accessibility of polling places, including outreach programs to inform the individuals about the availability of accessible polling places and training to election officials, poll workers, and election volunteers on how best to promote the access and participation of individuals with disabilities in elections for Federal office."

HHS officials have stated that they will most likely distribute these funds to and through state boards of elections rather than directly to local election officials. State officials will then administer and distribute the funds either for statewide projects or on a local level. State officials should be certain to apply to HHS for the funds and local election officials should be in contact with their state officials about the

We Want To Help: Inclusion Solutions and The Future Of Accessible Voting

Inclusion Solutions continues to work with state and local election officials to solve polling place access. Several of our team are members of the Illinois HAVA subcommittee on disability access and have spoken with HAVA planners and election officials nationwide. We'd love to hear your thoughts on the issue and we'd love to help. What are your plans for achieving accessibility? How are you responding to HAVA at the local level? Share your ideas and thoughts with our readers. Or, if you have an idea that you would like to see discussed in an upcoming issue of *HAVAccess*, let us know.

Contact us toll free at 866-232-5487, or Email us today at contact@inclusionsolutions.com.

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>> Next Month's HAVAccess:

We will continue to update you on funding provisions, state HAVA plans, and further developments.

Plus:

- North Carolina: A model for implementing accessibility standards
- "Election Reform, Polling Place Accessibility, and the Voting Rights of the Disabled" a summary of a law review article from the Election Law Journal (Reprints of full article available now - email hbundy@inclusionsolutions.com.)

availability of these funds.

HHS is actively working to finalize the details of the program, according to Sue Suter, Deputy Director of the HHS Office on Disability. According to Faith McCormick , executive assistant to the Commissioner, more information will be available on the program through an announcement in May in the Code of Federal Regulations.

In the interim, Suter encourages state election officials to reach out to advocacy organizations as they formulate their accessibility plans. State HAVA committees should also consider this issue as they develop their state plans. Local officials should begin to evaluate the issue and notify state officials of their desire to obtain these funds.

Finally, officials should realize that while this \$13 million must be used for access-related activities, the requirements payments authorized under HAVA may also be used in part for this purpose as well. The HHS-administered funds are a great start, but other sources of funding will be needed in order to fully solve the problem.

[Click Here For Copy of HHS Announcement](#)

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