

HAVAcess

The election reform resource to help you address polling place access



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Primaries Through General: Access Remains Focus

HAVAcess 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.

Many states have already had primary elections in 2006 -- and many more will be taking place soon in June. Accessibility -- of voting machines and polling places remains a hot topic and source of concern.

New York Update

Last issue, we reported on the [DOJ complaint against New York](#). The complaint alleged violations including failure to implement an accessible machine at every polling place.

Since that time, New York has responded with a plan to implement -- at minimum -- one accessible voting machine in each county by the 2006 general election with full implementation by 2007. For example, New York City will put five new accessible voting sites with machines in place for the 2006 elections. The Department of Justice reluctantly agreed to the plan in a response filing.

Some advocates have challenged this such as the Catskill Center for Independent Living -- long an advocate for accessible elections and leader of the [New York Project HAVA](#). CCFI has joined with other civil rights groups and advocates in [objecting](#).

And considering [previous DOJ's opinions](#), it is interesting that a limited accessibility plan was rejected in Mississippi but may be allowed in New York. HAVAcess will explore this issue in more detail next issue.

Some positive developments have taken place. For example, New York Senator John Flannagan has [announced \\$5 million in addition to Health and Human Services \(HHS\) funds to make sites in New York accessible](#). Senator Flannagan said in a statement; "The buildings that are used as polling places must be fully accessible to ensure that everyone can exercise their right to vote. That is my position, that is the position of the Independent Living advocates and that is the position of the Justice Department. New

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From My Perspective...

by Blair Williams

Blair Williams is the principal of Big Fish PR, LLC in Helena, MT. Her clients include PhRma, The Montana Meth Project, and three Montana Counties. She is also an advisory board member for the Rural Institute on Disabilities through the University of Montana and was the 2002 recipient of the Montana State Leader of the Year, with a Disability.

As the owner of a public relations firm and as someone with a disability, I'm always amazed when people try to use the Americans with Disabilities Act as a weapon to force change. It is my contention that the ADA was never created to be used as a weapon, but rather as a tool to promote education, awareness and change.

This year I celebrated my 25th year as a paraplegic. I love to take every opportunity to teach and educate folks on the needs of those of us with disabilities. I often tell people "the grocery store owners don't hold private meetings late at night making statements like - 'I know how to make it more difficult for those disabled folks...we'll put the ketchup on the top shelf!'" Rather, most owners and managers simply aren't aware of those small things that make life difficult or add additional challenges to an already arduous life.

I've been involved in the disabled movement on and off over the past 25 years, but I've not gone looking

voting machines are only an improvement if voters are able to enter the building to use them. "

HHS EAID Funding (Continued)

May 19, 2006 was the deadline for states and territories to apply for the HAVA Election Assistance for Individuals With Disabilities (EAID) grant program for 2006. Funding is at \$10,890 -- slightly more than 2004 and 2005. [Official information is available from The Department of Health and Human Services by clicking here.](#)

2007 funding still remains likely, given President Bush's [proposed budget for next year](#) -- although local officials and advocates should continue to pressure Congress to ensure that this funding is appropriated.

Other Developments on Access.

Kansas: [Voting change: Registering, advance voting may create obstacles for poor, elderly, disabled.](#)

Pennsylvania: [Polls Make Advances for Disabled.](#)

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

Oregon: [New Program For Voters with Disabilities.](#)

Michigan: [Disabled voters get more privacy.](#)

California: [Disabled concerned after county fails to secure new voting equipment](#)

Tennessee: [All polls will be accessible to handicapped](#) ; See also [Handicap-accessible voting machines purchased](#)

Selected State Initiatives in 2006

As election officials move through the primary season and towards the 2006 general election, states throughout the country have made extraordinary efforts to meet HAVA's polling place accessibility requirements. Some of these efforts merit mention.

Indiana deserves credit for implementing the majority of changes prior to their May 2, 2006 primary. Indiana had a head start on accessibility through a statewide polling place accessibility survey project in 2004 through Count Us In (see June 2004 HAVAccess). But even after completing surveys, the state still faced the prospect of now-identified widespread accessibility barriers but no solutions. Under the guidance of state HAVA administrator Joe McLain, Indiana compiled master lists of products needed to make their sites accessible and negotiated bulk discounts with vendors (including Inclusion Solutions) to provide accessibility improvements statewide. Items purchased in bulk included temporary parking signs, cones, doorstops, door retrofits, ramps of all sizes, and BallotCall alert systems. With these solutions in place for the primary, [Indiana improved polling place accessibility dramatically on a statewide level.](#)

Other states have followed Indiana's model for statewide improvement. Kentucky mass-purchased ramps, parking signs, and door grip retrofits for their May primary and Nebraska used a

for work in this arena. Recently, over the past six years I've found myself presented with more and more opportunities to get involved with ADA.

Recently an organization in our state, which advocates on behalf of the disabled, sent representatives out to all of the courthouses to conduct accessibility surveys. Upon completion of these surveys, they reported that most, if not all, of our county courthouses were not accessible. However, rather than using the data to provide an opportunity to allow the counties to learn, the organization threatened them with class action law suits. To me this was too much vinegar and not enough honey.

As someone in public relations I was bothered by this approach and offered my assistance. When they decided not to reach out to these counties, I decided to do some research then reach out myself. Here are a few things I learned:

1. Culture: Most of the commissioners are older folks who come from an age in which people with disabilities were neither seen nor heard and were often times automatically institutionalized. While they are not uncaring people, they simply don't understand the various needs of those with disabilities.

2. Budget: Many of our rural counties have less than 5,000 people in the entire county and often many citizens are above the age of 65. This means an extremely small tax base. There is no option when it comes to installing a \$400,000 elevator, they simply don't have that kind of money in their budgets.

3. Age of the Courthouses: We have courthouses dating back a hundred years—one was once even a brothel—and they are barely fit to be courthouses now, much less accessible ones. Often we raise this type of question: "Do we put a new roof on the barn or just build a new one?"

The entire process has been an eye opening experience for me. Each county is taking a different approach to its problems, depending on the mix of the three factors above. One is developing minor access with additional access budgeted over the next 5 years; another is developing a more comprehensive long-range plan; while a third is looking at building an entirely new courthouse.

combination of local vendors, bulk statewide purchases of items such as pollworker assistance buttons and headcovers for accessible voting systems, and purchase of custom items.

Hawaii continues to be a leader in this area. The State Office of Elections has worked closely with the [Disability and Communication Access Board](#) to complete a training video on surveying polling places for accessibility and a manual discussing how to set up and use various pieces of accessibility equipment to temporarily make polling sites more accessible.

Of course other state efforts – while exemplary -- have not been mentioned here. Some states, such as North Carolina and Rhode Island aren't mentioned because they made polling place accessibility a priority in 2004 (or before) and are now focusing on other aspects of HAVA. Illinois likewise made polling place access a priority in 2004 and 2005 and is now focusing on "supplemental" accessibility improvements such as offering state election materials in Braille and alternative formats. See [Newsletter from P&A Equip For Equality on Election Access](#). And states like Florida and Colorado have continued to work on a county basis to improve accessibility in a measured and ongoing process starting in 2004 and continuing to this day.

Wisconsin has also made great strides in making sites accessible statewide. However, there remain some non-compliant sites. In a May 17, 2006 memorandum, Elections Director Kevin Kennedy outlined to municipalities the consequences of not providing accessible polling places including a potential loss of funding for accessible machines. [May 17, 2006 memorandum.](#)

Other states are just now starting to focus on these aspects of HAVA. Nevada, an early leader on the purchase of accessible DREs is just now completing surveys and analysis and is anticipating implementation of solutions before their August primary. And New York, while the focus of HAVA litigation with the United States Department of Justice, promises to address polling place access to great effect with the appropriation of \$5 million dollars in addition to the HHS Election Assistance for Individuals With Disabilities funds that have been so crucial to ensuring accessibility nationwide.

These various state efforts have shown that there is no one unique strategy for addressing polling place accessibility – nor is their one perfect solution. But some of these "best practices" demonstrate the resourcefulness of national election officials in addressing this crucial portion of HAVA.

Polling Access: Private Facilities and Homes

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

Private facilities, businesses, and homes are used nationwide as polling places. Nowhere are the challenges to accessibility greater than in these private locations.

More importantly these issues accessibility issues are now confronting the elections, and elections officials in our state. While we are working hard to overcome a lack of accessibility at all of our election sites, we are being forced to move so quickly that we are often cutting off our nose to spite our face. In many of our counties election sites are being closed because of a lack of accessibility. While this makes sense in the short run, it does not solve the overall problem, that of education and awareness. Once again we've scared our county clerks and election officials with the ADA, rather than help them to develop long range plans for success and inclusion. In McCone County alone we've lost 6 of our 9 polling sites due to accessibility.

While we continue our work in the field of accessibility, it is our duty to continue to educate about the needs of its disabled population and the range of viable solutions to the problems.

To win, the disabled population should not be out to use the ADA as a weapon for law suits, but rather as a vehicle to educate and transform the perspectives and prospects of future generations. [Read More About Blair Williams](#)

Inclusion Solutions: Every Month -- More New Ideas

Inclusion Solutions carries well over [110 products](#) to solve polling place access issues and is the nation's leader on this part of HAVA.

If you think you've seen our catalog -- look again.

[Brand New Products \(as of May 2006!\) to make your elections even more accessible include:](#)

[Curb Cuts](#) that are designed to either be portable or left in place permanently. These are so strong that a vehicle can roll over them and completely solve any curb issues.

[New, Wider Ramps](#) to stricter California and other state codes.

Buttons for pollworkers to wear indicating their commitment to serving voters with disabilities and everyone else. [See Page 12 of our](#)

The [General Accounting Office \(GAO\)](#) Report on the Accessibility of polling places found that approximately 4% of all polling places in the United States to be located in private homes and 10% in "other" locations such as private businesses, lodges and fraternal organizations, and private businesses.

Just as with churches, some private facilities may be exempt from Americans With Disabilities Act accessibility requirements. Thus these facilities are not subject to accessibility requirements 363 days of the year. Yet on the days that they are used as polling places, they are required to be usable by all voters. Other businesses may be covered by Title III of the Americans With Disabilities Act – but may or may not have made necessary accessibility improvements.

Yet in some cases, these sites are the only options. Districting, availability, or rural locations may leave election officials with no choice.

Specific issues that are common at homes and private facilities include multiple steps to the front door, and lack of accessible parking spaces. Residential doors can be heavy and have the wrong type of door hardware as well. Thus it's not surprising that the level of access at these sites are among the worst in the country. The GAO found that 93% of private homes and 78% of "other" facilities had at least one barrier.

Whatever the level of access, these private facilities aren't owned, operated, or controlled by the election official. And there is understandable reluctance to spend public monies on permanent changes at private businesses or personal residences. The [Florida Department of State reported in 2003](#) that "...some owners of privately-owned facilities oppose any construction or improvements to their property, regardless of who pays the costs. Therefore, even if public dollars are allowed to be spent retrofitting private facilities, there is no guarantee that the owner of the private facility will permit changes to the structure. Even if retrofitted, there is no guarantee that the owner of the private facility will continue to allow the facility to be used as a polling place in future elections for years to come."

Thus state mandates to prohibit HAVA funding for permanent changes on private facilities is common. Temporary accessibility solutions remain a viable option – solutions that are owned by the election official, brought out on election day, and removed after use are an excellent alternative.

Some states have gone further. In early May, both chambers of the [Pennsylvania Legislature passed legislation](#) prohibiting the use of private homes, except in limited circumstances. See also [a news article on the legislation](#).

Thus private facilities remain a challenge. But the combination of changing sites, innovative legislation, and temporary solutions can

[new catalog.](#)

Voting Machine Sanitary Headphone Covers. We carry disposable headphone covers. Consider at least 10 headcovers for each of your ADA-compliant voting machines. [Page 14](#)

[Induction Loop](#) system to allow election instructions to be "piped in" to the hearing aids of voters.

Deluxe Vote Center Accessibility Kit. This deluxe kit includes everything a Vote Center needs to be fully accessible. See [page 15 of our new catalog.](#)

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We carry solutions for all accessibility issues in your polling places from parking lots, to steps, to door hardware, to inside of the polling place.

All our [products](#) are portable and owned by you, the election official and are consistent with Section 261 of HAVA. We can also help with grant applications.

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help make these facilities more accessible to all voters.

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

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