



DEPARTMENT of HEALTH and HUMAN SERVICES

HELP AMERICA VOTE ACT Fiscal Years 2009 and 2010 Report to Congress

Prepared By:



Introduction

The Help America Vote Act (HAVA) was signed into law on October 29, 2002. Administration of the law's disability provisions for sections 261 and 291 was assigned to the Secretary of the U.S. Department of Health and Human Services. The Secretary delegated the responsibility of HAVA to the Administration for Children and Families (ACF), who subsequently delegated the responsibility to the Administration on Developmental Disabilities (ADD), currently known as the Administration on Intellectual and Developmental Disabilities (AIDD) within the Administration for Community Living.

HAVA authorizes three grant programs designed for elections and individuals associated with operating the election process to establish, expand, and improve access to and participation in the election process by individuals with the full range of disabilities. Two of these are formula grants: one grant is offered to states and territories to improve accessibility in the voting process, the other grant is established for the state protection and advocacy systems (P&As) to assist individuals with disabilities in the voting process. HAVA requires that seven percent of the total amount appropriated for grants to the P&As be set aside for the third grant program. The third grant program is a discretionary program for the provision of training and technical assistance to assist the P&As.

Since the inception of HAVA, the Administration on Intellectual and Developmental Disabilities has awarded grants to eligible states and territories to make polling places accessible for individuals with disabilities. Some of the accessible elements include path of travel, entrances, exits, and voting areas. These grants also assist in providing information on the location of accessible polling places, and encourage states/territories and local municipalities voting procedures that enable individuals with a full range of disabilities the ability to vote privately and independently. Resources assist with the education of election officials, poll workers, and election volunteers on the rights of voters with a full range of disabilities and best practices in working with the voters.

The programs authorized under Sections 261 and 291 and managed by AIDD are described in this report.

Section 261 - State Grants for Election Assistance for Individuals with Disabilities (EAID):

Section 261(c) of HAVA provides that funds be made available to states and units of local government which includes the secretary of state and/or chief election official. As a formula grant program, awards are based on the relative size of the voting age population (i.e., number of individuals 18 years of age or older as reported by the U.S. Census Bureau) of eligible states and territories, with the exception that no state or territory applying for funds shall receive a payment of less than \$100,000. State governments receiving HAVA funds are encouraged to collaborate with local chief election officials and local units of government (including Indian tribes that are involved in conducting elections for federal offices) in determining where and how to spend funds.

The Maine Secretary of State Office utilized HAVA funds to continue the maintenance of the software for the Accessible Voting System (AVS). Over 500 municipalities were provided with accessible earphone covers for use with the AVS, the Access to Voting pocket guides and a new chapter devoted to accessibility for the Election Officials training manual.

The Minnesota Secretary of State Office completed voter outreach with state agencies working with or on behalf of the disability community, advocacy groups and individuals of varying disabilities to produce voting information materials. The information targeted priority needs such as accessible voting booths, audiotapes and other tools available to include individuals with disabilities in the voting process.

The Nevada Secretary of State Office continued to work with the state's local election officials and the Nevada Disability Advocacy and Law Center (NDALC) to determine the needs of the county polling sites. The accessibility equipment of Clark County's mobile ADA voting trailers was completed in 2010, which included retrofitted accessible ramps.

The North Dakota Secretary of State Office and the North Dakota Protection and Advocacy Project worked collaboratively on the creation, development and distribution of an educational video and booklet for voters with disabilities. These materials were advertised on the internet and distributed to more than 1,200 individuals statewide.

The Ohio Secretary of State Office implemented Election Day accessibility spot checks. Election Day spot checks were conducted using the polling location checklist and randomly selecting locations throughout the state to ensure access for people with disabilities. In fiscal year 2010, 180 polling locations completed the Election Day spot checks and met the state compliance.

The Virginia State Board of Elections partnered with the Center for Independent Living (CIL) to audit polling places in the state. By year end, a total of 700 polling place audits in 75 localities were completed. The removal of polling place barriers has been accomplished by 134 localities in Virginia to ensure accessible voting for individuals with disabilities.

Section 291 - Protection and Advocacy Systems – Help America Vote Act:

The protection and advocacy systems, commonly known as P&As, are authorized by Section 143 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (DD Act). Section 291 of HAVA provides that funds be made available to the P&As of each state and territory to ensure full participation in the electoral process for individuals with disabilities, including registering to vote, casting a vote, and accessing polling places. The purpose of the grant funds is to provide services to individuals with disabilities within the state, as well as work to educate and advocate for the full participation of individuals with disabilities in the electoral process.

The P&As are strongly encouraged to use the grant funds to provide education, training and assistance to individuals with disabilities that will promote their participation in the electoral process. Such activities include, but are not limited to, providing individuals with disabilities with education regarding voter registration; the opportunity to register to vote; information regarding their legal rights that pertain to voting; and providing assistance in accessing the polls on Election Day.

Funds made available under Section 291 are used by the P&As to carry out the following activities to individuals with a full range of disabilities:

1. Participation in advocacy and education efforts around all HAVA implementation efforts in their state or territory. Such activities may include, but are not limited to: participation on the HAVA state planning committee, subcommittees or coalition efforts regarding the state plan; reviewing the work of the committee; providing comments regarding the state plan; and reviewing, advocating for, and informing others about the enactment of HAVA-related state legislation.
2. Participation in the training and education of election officials, poll workers, and election volunteers regarding the rights of the voters with disabilities and determine best practices for working with individuals with disabilities. Training and education activities may include, but are not limited to, participating in the development of training and education programs for election officials and poll workers.
3. Assisting individuals with disabilities in filing complaints under the state-based administrative grievance procedure required by HAVA and to represent individuals with disabilities in any hearings that may be held regarding the complaint.
4. Providing assistance to states and other governmental entities regarding the physical accessibility of polling places, such as surveying polling places, identifying potential modifications to make specific polling places accessible and developing criteria for identifying accessible polling places.
5. Obtaining training and technical assistance on voting issues, including education regarding accessible voting equipment and systems. Once educated in this matter, P&As may use this information to inform others about the availability of accessible voting equipment and its use.

reached through an intake process and were provided information on voter registration and voter rights.

Disability Rights Mississippi (DRM) initiated a four month "A Time to Share" listening tour across the state as an outreach and input campaign with a mission to hear from as many Mississippians with disabilities, family members and services providers as possible regarding voting needs and accessibility concerns. A total of 41 outreach opportunities and events in 28 different communities were held across the state in order to conduct outreach and receive input from participants. The "A Time to Share" listening tour resulted in increased connections and making services more readily available to underserved and unserved demographic groups, while providing an opportunity to educate families, community partners and other advocates about voting rights for upcoming elections.

Disability Rights New Mexico collaboratively worked with the Native American liaison in the New Mexico Secretary of State's Office to provide intensive training and accessibly voting materials to tribal group officials/leaders throughout the state. Outreach and voting information was disseminated to tribal leaders/officials to enable access to polling sites on tribal lands and to ensure accessibility requirements for voters with disabilities within the tribes.

North Dakota Protection & Advocacy (NDPA) collaborated with public libraries throughout the state to host voting education days which featured a display of HAVA materials, including brochures, fact sheets, and DVDs. The AutoMARK was made available at each library to offer citizens the opportunity to learn to use the assistive voting device prior to Election Day. NDPA and the North Dakota Secretary of State (NDSOS) office worked collaboratively to increase awareness of voting rights and voting information for people with disabilities. As a result of this effort, a bookmark has been developed specifically for use in libraries throughout North Dakota during the election season.

Disability Rights Network of Pennsylvania (DRNP) partnered with the Pennsylvania Voters Coalition (PVC) for the election protection network that operated throughout Pennsylvania on the Primary and General Election Day. A total of 60 voter ambassadors were trained as a result of voter education sessions. DRNP reached out to more than 100 human services agencies to provide education and training for approximately 700 people. The voter ambassadors provided hands on technical assistance to more than 150 voters with disabilities during the Primary and General Elections.

West Virginia Advocates provided voter education kits to numerous individuals at conferences, provider locations, psychiatric hospitals, nursing homes, and senior centers. The kits included outreach information, voter registration forms, absentee ballots, polling site information, hotline numbers and frequently asked questions. The voter education kits served as a catalyst in the five percent increase of voters with a full range of disabilities participating in the state and local election process.

Training and Technical Assistance to Assist Protection and Advocacy Systems to Establish or Improve Voting Access for Individuals with Disabilities:

Section 291 of HAVA establishes a training and technical assistance discretionary grant program funded by setting aside seven percent of the amount appropriated for state P&As. Grants awarded under this authority must be used in the promotion of self-sufficiency and the protection of the rights of individuals with disabilities, as this affects the establishment or improvement of access to full participation in the voting process.

The recipients of these funds must assure that training and technical assistance will be provided to all P&As throughout the country. In fiscal years 2009 and 2010, three grants were awarded. The funding amount to provide training and technical assistance was \$367,920 each year. Table 3A outlines grants awarded for the Training & Technical Assistance Grants.

Examples of activities carried out by award recipients of the HAVA Training and Technical Assistance to Assist P&As grant include:

- The National Disability Rights Network (NDRN) provided information to the Protection and Advocacy Systems on a wide variety of topics through listserv postings based on needs assessments. Activities included analyzing significant voting cases, compiling and disseminating election administration reform resources on matters concerning universal voter registration; no match, no voter, state laws; voter purges and voting rights materials for people with disabilities. An example of a significant court case shared with the P&A network was a voter identification case, *Common Cause/Georgia v. Billups* (N.D. GA 2007). On January 14, 2009, the United States Court of Appeals for the Eleventh Circuit, following the U.S. Supreme Court decision in *Crawford v. Marion County Election Board*, affirmed the District Court decision upholding Georgia's voter identification law. The Court reasoned "that the burden imposed by the requirement of photo identification is outweighed by the interests of Georgia in safeguarding the right to vote."
- The National Federation of the Blind (NFB) in collaboration with the market research firm of Hollander, Cohen & McBride (HCM) developed and tested the blind voters' assessment survey questionnaire to evaluate the experience blind voters had during the November 2008 national election and to determine barriers to voting encountered by these individuals. Utilizing a list of ten thousand names and telephone numbers generated by the NFB, HCM conducted a random sample telephone survey of blind voters, until a total of 557 questionnaires were completed. The survey results indicated the following results:
 - Almost all (94percent) of the legally blind individuals interviewed in this study said they are registered voters, and nearly all of these registered voters (96percent) voted in the November 2008 election. Roughly one-third (38percent) of the individuals who voted did so by mail or absentee ballot, while nearly two-thirds (62percent) voted at the polls.
 - Half (51percent) of the blind voters who cast their ballot at a polling place did so independent of assistance, while more than a third (39percent) relied on the assistance of a family member or friend. Nearly a tenth (9percent) required the