

HAVA Implementation Positions on Disability Issues

The following issues must be addressed in the court order because full HAVA implementation will not be achieved in 2008.

I. Voting Machine Access

- The State shall provide an expanded schedule of Ballot Marking Devices (BMD's) at countywide accessible voting sites in 2008 according to a population based formula. See the attached charts.
- The State shall provide BMD's with fully accessible features and interfaces to voters with disabilities, including the ability to verify one's vote privately and independently.
- The State shall provide optical scan devices with the BMD's at countywide accessible voting sites in 2008 so ballots can be counted the night of the primary and election.
- The State shall NOT authorize the purchase of uncertified DRE's as a substitute to BMD's in 2008.
- The State shall authorize and make ALL future voting technology with fully accessible features and interfaces to accommodate voters with disabilities, including the ability to verify one's vote privately and independently. This includes ALL of the voting technology the State certifies and the counties purchase to replace the lever machines by 2010.

II. Planning and Resources

Polling Place Access

- The State shall consult with disability organizations knowledgeable in voting access issues to develop a polling place access survey instrument based on US DOJ ADA standards and NYS Building Code requirements.
- The State shall direct the County BOE's to complete the polling place access survey instruments on Primary and Election Day's. Completed surveys will be submitted to the State and kept on file as public record by each county. The surveys will only be conducted by individuals trained in the subject matter, including, whenever possible, people with disabilities. Any polling place deemed not to meet the existing accessibility standards must make the necessary changes and/or modifications, or be moved to a verified accessible polling place within six months.
- The State shall ensure that all polling places will be accessible per the US DOJ ADA standards and NYS Building Code requirements by 2009.

Poll Worker Training

- The State shall support and provide funds for poll worker training on disability awareness to not for profit disability organizations that have extensive experience with voting access issues.
- The State shall ensure that County BOE's require all poll workers to attend mandatory disability awareness training that is integrated into their regular poll worker training.
- The State shall support and encourage County BOE's to recruit and hire persons with disabilities who want to be poll workers. The State and County BOE's shall consult with statewide disability organizations on how to best prepare their training materials, provide reasonable accommodations, and/or make sites accessible for poll workers with disabilities.

Public Education

- The State shall provide funds for the development of a comprehensive voter education curriculum for people with disabilities to not for profit disability organizations whom have extensive experience with voting access issues.
- The State shall provide assistance and funds for the marketing, distribution, and training of the comprehensive voter education curriculum to the disability community.
- The State shall provide funds for a community outreach campaign on the availability of BMD's, location of the countywide accessible voting sites, as well as information about transportation to the sites. It should be promoted widely by radio, television and newspaper to people with disabilities and the disability community throughout New York State.

Transportation

- The State shall ensure that County Board of Elections (BOE's) will provide voters with disabilities with accessible transportation in areas where there is no public transportation until substantial compliance is reached with HAVA.
- The State shall ensure that County BOE's will provide notice that accessible transportation is available for voters with disabilities who have no other means to get to the countywide accessible sites.
- The State shall ensure that County BOE's will develop a transportation plan for the countywide accessible voting sites until substantial compliance is reached with HAVA. The Plan will be submitted to the State. The details will be reviewed by members of the disability community to ensure feasibility. It will contain a list of local resources available for accessible transportation for individuals who do not have access to public transportation.
- The State shall ensure that County BOE's explore other transportation considerations:
 - Paratransit providers should provide more transportation on Election Days and allow for more flexibility of appointments around voting, including allowing shorter stays at a polling site before a return trip can be scheduled, forgoing penalties if a pickup time needs to be changed, a longer window of time for pickup and allowing trips to polling sites to be scheduled that day.
 - Counties should arrange for their local paratransit provider to run shuttles to the nearby accessible voting site from locations near accessible public transportation and published to advocates for people with disabilities well in advance of each election.

III. Other Compliance Issues

- The State shall establish uniform procedures to be followed by County BOE's to hear and remedy polling place access, poll worker, voting machine, and general voting complaints by voters with disabilities.
- The State and County BOE's shall develop all voting materials including ballots and voter education materials in accessible and alternative formats. These formats can and should be developed prior to the 2008 election cycle to ensure that they have been vetted and approved by experts in the field, including experts in the disability community who specialize in specific formatting: Braille, large print (in a proportion at least as large as 26 or 28 point type appears on an 8 ½ by 11 inch page), disk, website accessibility, reading levels and languages other than English.

- The State and County BOE's shall develop plans for the creation and distribution of materials that help voters understand the changes both the law and the new machines entail, including accessibility options beginning with the 2008 election cycle.
 - Disability and language experts should be consulted at the beginning and throughout the material development process.
 - Materials should include any changes in voting procedures: new polling sites, accessible features, changes in voting processes.

NYS 2008 Countywide Accessible Voting Sites
Distribution of BMD's Based on Population Formula

<u>Population Range</u>	<u># Access Sites</u>	<u># of BMD's/Site</u>
Less than 25,000	3	1
25,001-100,000	4	2
100,001-250,000	5	2
250,001-500,000	6	3
500,001-750,000	7	3
750,001-1,000,000	8	3
1,000,001-1,250,000	9	3
1,250,001-1,500,000	10	4
1,500,001-1,750,000	11	4
1,750,001-2,000,000	12	4
2,000,001-2,250,000	13	4
2,250,001-2,500,000	14	5
Above 2,500,000	15	5

Originally: 7,000 BMD's @ \$6,000 = \$42,000,000.

Proposed: 875 BMD's @ \$6,000 = \$5,250,000 plus scanners.

NYS 2008 Countywide Accessible Voting Sites
Distribution of BMD's Based on Population Formula

County	Population	# Sites	# BMD's/Site	Total # BMD's
Albany	297,556	6	3	18
Allegany	50,267	4	2	8
Bronx	1,361,473	10	4	40
Broome	196,269	5	2	10
Cattaraugus	81,534	4	2	8
Cayuga	81,243	4	2	8
Chautauqua	135,357	5	2	10
Chemung	88,641	4	2	8
Chenango	51,787	4	2	8
Clinton	82,166	4	2	8
Columbia	62,955	4	2	8
Cortland	48,483	4	2	8
Delaware	46,977	4	2	8
Dutchess	295,146	6	3	18
Erie	921,390	8	3	24
Essex	38,649	4	2	8
Franklin	50,968	4	2	8
Fulton	55,435	4	2	8
Genesee	58,830	4	2	8
Greene	49,822	4	2	8
Hamilton	5,162	3	1	3
Herkimer	63,332	4	2	8
Jefferson	114,264	5	2	10
Kings	2,508,820	15	5	75
Lewis	26,685	4	2	8
Livingston	64,173	4	2	8
Madison	70,197	4	2	8
Monroe	730,807	7	3	21
Montgomery	49,112	4	2	8
Nassau	1,325,662	10	4	40
New York	1,611,581	11	4	44
Niagara	216,130	5	2	10
Oneida	233,954	5	2	10
Onondaga	456,777	6	3	18
Ontario	104,353	5	2	10
Orange	376,392	6	3	18
Orleans	43,213	4	2	8
Oswego	123,077	5	2	10
Otsego	62,583	4	2	8
Putnam	100,603	5	2	10
Queens	2,255,175	14	5	70
Rensselaer	155,292	5	2	10
Richmond	477,377	6	3	18
Rockland	294,965	6	3	18
Saratoga	215,473	5	2	10
Schenectady	150,440	5	2	10

Schohaire	32,196	4	2	8
Schuyler	19,415	3	1	3
Seneca	34,724	4	2	8
Steuben	98,236	4	2	8
St. Lawrence	111,284	5	2	10
Suffolk	1,469,715	10	4	40
Sullivan	76,588	4	2	8
Tioga	51,285	4	2	8
Tompkins	100,407	5	2	10
Ulster	182,742	5	2	10
Warren	66,087	4	2	8
Washington	63,368	4	2	8
Wayne	92,889	4	2	8
Westchester	949,355	8	3	24
Wyoming	42,613	4	2	8
Yates	24,732	3	1	3
TOTALS	---	328	---	875