

## **Catskill Center for Independence**

P.O. Box 1247  
Oneonta, New York 13820  
607-432-8000 • Voice or TTY  
FAX: 607-432-6907  
E-mail: [ccfi@ccfi.us](mailto:ccfi@ccfi.us)

April 1, 2009

NYS Board of Elections  
40 Steuben Street  
Albany, NY 12207-2108

Dear Mr. Zalen,

The New York Association of Independent Living Election Reform Committee (ERC) has sent a letter to every member of the newly reconvened HAVA Task Force urging support for improved poll worker training in order to remedy and prevent the misinformation and discrimination exhibited throughout the state in our recent elections. For your consideration, a copy of this letter is included in this fax.

We would greatly appreciate this letter being added to the record for this Friday's Task Force meeting.

Sincerely,  
Helen S. Benlisa

Project HAVA Coordinator  
NYAIL Election Reform Committee, Co-Chair  
888 NYS HAVA (v/tty)  
(888 697 4282) (v/tty)  
[nyshava@ccfi.us](mailto:nyshava@ccfi.us)  
[HelenBenlisa@aol.com](mailto:HelenBenlisa@aol.com)



NEW YORK ASSOCIATION ON  
**Independent  
 Living**<sup>INC.</sup>

*independence!*

March 30, 2009

Brad Williams  
 NYSILC  
 111 Washington Ave, Suite 101  
 Albany, NY 12210

Dear Mr. Williams:

On behalf of the New York Association of Independent Living Election Reform Committee (ERC), we are writing to share our recommendations for amending New York State's HAVA Implementation Plan.

During the November 2008 election, disability advocates throughout the state documented incidents revealing the disturbing extent of New York State's lack of compliance with HAVA's mandates. We note that while the Implementation Plan states the intention to provide poll workers "with sufficient knowledge and information to intelligently perform their role in the process," the experiences of voters with disabilities during the last election demonstrate that this objective was not met. In order to address this problem, and as the Board endeavors "to utilize all the expertise available to it," we call for the following to be included in the State Implementation Plan:

- Training related to disability etiquette and use of Ballot Marking Devices (BMDs), shall be provided by NYS Commission on Quality of Care/Upstate or Downstate PAVA Projects or other disability advocacy agencies with proven knowledge in the use of the machines and disability laws, requirements and etiquette recommended by the PAVA Project Directors.
- Trainers will include people with disabilities and members from the disability community who actively use the BMD and its assistive technology components.
- The booklet of instructions for inspectors prepared by the State Board of Elections shall be developed with the assistance of the NYS Commission on Quality of Care/Upstate or Downstate PAVA Projects or other disability advocacy agencies recommended by the PAVA Project Directors with proven knowledge in the use of the machines and disability laws, requirements and etiquette. The booklet shall contain material on disability etiquette, procedures on the operation of BMDs, and polling place accessibility standards and the surveying process.
- Election inspectors, poll clerks and election coordinators shall receive mandatory instruction on the use of BMDs, disability etiquette, polling place accessibility standards and the surveying process.

The State Implementation Plan asserts, "New York recognizes the value of and intends to develop a uniform, statewide comprehensive training program for poll workers and elected officials." This training must be developed in consultation with, and conducted by, appropriate disability advocacy agencies to prevent the following egregious events from the 2008 General Election from reoccurring. Through the Statewide Systems Advocacy Network, Independent Living Centers and other disability service agencies, advocates around the state compiled this list through voter surveys, Election Day anecdotes, polling site accessibility surveys and voter complaints called into voter access hotlines:

- Poll workers openly discouraged people wishing to use the BMDs from doing so because they were completely uninformed on its operation or because of the length of time they perceived it would take to vote using a BMD;

- Poll workers said BMDs were available only to voters with disabilities or told voters the BMDs could not be used until 2009;
- Poll workers poorly positioned BMDs thereby making them inaccessible to voters using mobility devices (wheelchairs, scooters, walkers);
- Poll workers did not adequately address privacy concerns for voters using BMD or were intrusive during the voting process;
- In some cases, poll workers did not even uncover, plug in, or turn on the BMDs;
- The general public was unaware BMDs existed because of insufficient outreach by state and county BOEs;
- In direct defiance of HAVA legislation and a court order mandating BMDs be provided at every polling site, some counties failed to provide certain polling sites with accessible voting technology, or refused to count BMD ballots at the close of the polls;
- Poll workers were ill-informed on the legality of asking probing questions about a person's disability, or apparent lack of one and many poll workers unabashedly used derogatory terms when talking to or about people with disabilities;
- Voters with disabilities continue to encounter common barriers to accessing their neighborhood polling sites, such as narrow or obstructed pathways, hard-to-find accessible entrances, and inadequate signs.

While accessibility standards such as designated accessible parking and adequate signage indicating accessible entrances are common sense, they are not common knowledge. Neither are they uniformly applied or sustained. In addition, every voter should expect their civil rights to be upheld and respected as they exercise their civic duty. We urge that the Task Force incorporate the ERC's recommendations in order to bridge this knowledge gap and remove these obstacles to full voter participation.

Sincerely,

Helen S. Benlisa  
Project HAVA Coordinator  
NYAIL ERC, Co-Chair  
Catskill Center for Independence  
607-432-8000  
[nyshava@ccfi.us](mailto:nyshava@ccfi.us)

Rima McCoy  
Voting Rights Coordinator  
NYAIL ERC, Co-Chair  
Center for Independence of the Disabled, NY  
646-442-4146  
[rmccoy@cidny.org](mailto:rmccoy@cidny.org)

CC: Stanley Zalen