

***HELP AMERICA VOTE ACT (HAVA)***  
***ANNUAL REPORT***  
***FISCAL YEARS 2005-2006***

The Help America Vote Act of 2002 (HAVA), Public Law 107-252, was signed into law by President George W. Bush on October 29, 2002. The administration of disability provisions for sections 261 and 291 was assigned to the Secretary of the United States Department of Health and Human Services (DHHS). The Secretary of DHHS delegated responsibility to the Administration for Children and Families (ACF) who has assigned oversight for carrying out HAVA program responsibilities to the Administration on Developmental Disabilities (ADD).

HAVA contains three (3) grant programs that are designed for elections and individuals associated with operating the election process to establish, expand, and improve access to and participation in the election process for individuals with the full range of disabilities. Two of these are formula grants, one available to states and territories to improve accessibility in the voting process, the second to state Protection and Advocacy Systems (P&As) to assist individuals with disabilities in the voting process. Additionally, seven percent of the funds for P&As was set aside for the third grant program, a discretionary program for the purpose of providing training and technical assistance to P&As.

Since HAVA was signed into law, ADD has awarded 452 grants totaling approximately \$53,000,000. These grants are used to make polling places accessible to individuals with disabilities, to provide the same opportunity for access and participation in the electoral process (including privacy and independence) to voters with disabilities as available to voters with no disabilities, to provide training for election workers on how best to promote the access and participation of individuals with disabilities in elections for Federal office, and to provide information to individuals with disabilities about the accessibility of polling places. All of these provisions apply to individuals with the *full range of disabilities*, not just those with developmental disabilities. Progress is being made towards the goal of making all polling places fully accessible, including making available one voting system within each polling place that allows for the privacy and independence of voters with disabilities (Section 261 (b)(1)).

Information found in this report reflects the requirements as set forth in Title II, Subtitle D, Part 2, Section 265 (b) of HAVA:

(b) Report by Secretary to Committees -With respect to each fiscal year for which the Secretary makes payments under this part, the Secretary shall submit a report on the activities carried out under this part to the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate.

The programs authorized under Sections 261 and 291 and managed by ADD are described in areas I, II and III of this report.

## **I. Protection and Advocacy Systems – Help America Vote Act:**

The Protection and Advocacy Systems, commonly known as P&As, are federally mandated agencies under Section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (DD Act) . Whereas, 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. Grant funds are for the purpose of providing services to individuals with disabilities within the State, as well as education and advocacy activities that ensure the full participation of individuals with disabilities in the electoral process.

P&As are strongly encouraged to use the 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: education regarding voter registration, providing individuals with disabilities the opportunity to register to vote, providing education to individuals with disabilities regarding their legal rights that pertain to voting, and providing assistance to individuals with disabilities in accessing the polls on Election Day.

P&As may use grant funds to:

- ✚ participate in advocacy and education efforts revolving 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, any subcommittees or coalition efforts regarding the State Plan, reviewing the work of the Committee, providing comments regarding the State Plan, and review, advocacy, and education concerning the enactment of HAVA State legislation.
- ✚ participate in the training and education of election officials, poll workers and election volunteers regarding the rights of the voters with disabilities and best practices in working with individuals with disabilities. Training and education activities may include, but are not limited to, providing training and participating in the development of training and education programs for election officials and poll workers.
- ✚ assist 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.
- ✚ provide assistance to States and other government 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.
- ✚ obtain 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 of the availability of accessible voting equipment and its use.

In Fiscal Years 2005 & 2006, 110 grants ranging from \$35,000 to \$349,292 were awarded to the Protection and Advocacy Systems of each State (including the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, and Virgin Islands) to support their efforts in ensuring the full participation in the electoral process for individuals with disabilities, including registering to vote, casting a vote, and accessing polling places. Refer to table 1 for breakdown of the Protection & Advocacy Systems funding allotment.

Examples of activities accomplished by Protection and Advocacy Systems are described below.

- ✓ **ARKANSAS** - The Arkansas Disability Rights Center (ADRC) collaborated with the Arkansas Secretary of State's Office and split the cost of producing a voter demonstration video. The video provided viewers with detailed voter rights information. Both groups had the opportunity to duplicate and distribute the videos/DVD Statewide which accompanied training used by "PROJECT VOTE" throughout fiscal year 2007.
- ✓ **CONNECTICUT** - The Connecticut Office of Protection and Advocacy for Persons with Disabilities participates in a collaborative project, entitled "Every 1 Counts," with the Office of the Secretary of State. The Every 1 Counts project addresses the rights of voters with disabilities in Connecticut through outreach, advocacy, education and assistance.
- ✓ **DISTRICT OF COLUMBIA** - University Legal Services, Inc.(ULS) – Protection & Advocacy conducted voter registration drives in July 2006 at nursing homes, residential buildings for the elderly and people with disabilities, and the local psychiatric hospital, assisting more than 130 residents in completing new voter registrations or updating their information.
- ✓ **IDAHO** – The Idaho Protection & Advocacy system participated in "Determined to Vote," a consortium project committed to increasing the participation of Idahoans with disabilities in the electoral process. This has been an intensive collaboration between the P&A, the Idaho Council on Developmental Disabilities, and the Idaho Secretary of State. The "Determined to Vote" project also focused on increasing the knowledge of people with disabilities about the electoral process through state and regional training modules.
- ✓ **LOUISIANA** – Organized the Registrars of Voters Conference to train and educate officials, poll workers, and election volunteers regarding the rights of the voters with disabilities and the best practices in working with individuals with disabilities (450 served).
- ✓ **MAINE** – Maine Disability Rights Center (DRC) implemented a "Transportation Project" to assist voters with disabilities with transportation to the polls.
- ✓ **MISSOURI** – The Missouri Protection & Advocacy used HAVA grant funds in establishing its statewide role through the creation of a special *Vote at Home* Project. The *Vote at Home* Project utilized a state law offering Missouri voters with disabilities the opportunity to register with their local election authority as being permanently disabled so they could vote in every election via absentee ballot. In addition to the *Vote at Home* Project, MO P&A legal staff collaborated with advocacy and disability rights organizations to challenge a restrictive Missouri voting law, which required all voters to show state - approved photo identification in order to vote. Ultimately, this challenge led

to the Missouri Supreme Court overturning the change in state law so that voters with disabilities were able to vote with the same rights as non-disabled voters.

- ✓ **PUERTO RICO** – The Puerto Rico Protection & Advocacy system’s main achievements for persons with mobility disabilities included establishing new dimensions for voting booths, installing removable ramps in Accessible Voting Places, and the option for a disabled person to select someone of his/her confidence to provide assistance in casting his/her vote (Puerto Rico Electoral Law). To assist blind persons and persons with visual impairments, the Accessible Voting College (AVC) included Braille templates, an instruction book of the electoral process in Braille and enlarged text, magnifying glasses, Braille stickers to identify the Electoral ID card, and verbal instructions in every polling place.
- ✓ **VERMONT** – Vermont Protection & Advocacy’s (VP&A) voter registration activities were innovative as they provided support and voter education within Vermont’s correctional facilities and outreach services at a variety of venues and was not limited to typical facilities and locations frequented by people with disabilities. VP&A visited inmates with disabilities in correctional facilities to offer voter registration forms, early voter forms, and other information about voter rights.
- ✓ **VIRGIN ISLAND** – The Virgin Islands P&A, the Disability Rights Center of the Virgin Islands (DRCVI), conducted a voter registration survey to determine the voter registration status among individuals with disabilities. The survey showed that 22% of 747 individual persons with disabilities surveyed were not registered to vote. This study served as an effort to develop ideas on how to eliminate barriers at polling sites and the ballot box. During the Primary Election Day, the DRCVI legal staff visited several polling places on the islands of St. Croix and St. Thomas to review and report on the physical accessibility of polling locations. Polling places that were not ADA-compliant were reported to the V.I. Election System for further review and correction. DRCVI legal staff spoke before a group of election officials, poll workers, and election volunteers on the issues facing persons with disabilities and their voting rights.
- ✓ **WYOMING** – Collaborating with the Secretary of State’s Office, the Wyoming Protection & Advocacy were granted use of Wyoming’s new voting machines to train individuals with disabilities on how to use them. Six hundred ninety two individuals received training.

**TABLE 1. PROTECTION & ADVOCACY SYSTEMS FISCAL YEARS 2005 & 2006**  
**FUNDING ALLOTMENT**

PROTECTION AND ADVOCACY SYSTEMS		
STATE/TERRITORY	FISCAL YEAR 2005	FISCAL YEAR 2006
Alabama (AL)	\$70,000	\$70,000
Alaska (AK)	70,000	70,000
American Samoa	35,000	35,000
Arizona (AZ)	70,000	70,000
Arkansas (AR)	70,000	70,000
California (CA)	349,292	324,579
Colorado (CO)	70,000	70,000
Connecticut (CT)	70,000	70,000
Delaware (DE)	70,000	70,000
District of Columbia	70,000	70,000
Florida (FL)	167,528	157,318
Georgia (GA)	85,488	79,842
Guam	35,000	35,000
Hawaii	70,000	70,000
Idaho (ID)	70,000	70,000
Illinois (IL)	124,555	114,966
Indiana (IN)	70,000	70,000
Iowa (IA)	70,000	70,000
Kansas (KS)	70,000	70,000
Kentucky (KY)	70,000	70,000
Louisiana (LA)	70,000	70,000
Maine (ME)	70,000	70,000
Maryland (MD)	70,000	70,000
Massachusetts (MA)	70,000	70,000
Michigan (MI)	99,223	91,446
Minnesota (MN)	70,000	70,000
Mississippi (MS)	70,000	70,000
Missouri (MO)	70,000	70,000
Montana (MT)	70,000	70,000
Nebraska (NE)	70,000	70,000
Nevada (NV)	70,000	70,000
New Hampshire (NH)	70,000	70,000
New Jersey (NJ)	85,032	78,662
New Mexico (NM)	70,000	70,000
New York (NY)	188,898	173,866
North Carolina (NC)	82,757	77,236
North Dakota (ND)	70,000	70,000
Ohio (OH)	112,568	103,621
Oklahoma (OK)	70,000	70,000
Oregon (OR)	70,000	70,000
Pennsylvania (PA)	121,720	112,187
Puerto Rico	102,963	120,722
Rhode Island	70,000	70,000
South Carolina (SC)	70,000	70,000
South Dakota (SD)	70,000	70,000
Tennessee (TN)	70,000	70,000
Texas (TX)	217,724	203,372
Utah (UT)	70,000	70,000
Vermont (VT)	70,000	70,000
Virginia (VA)	72,708	70,000
Virgin Island	35,000	35,000
Washington (WA)	70,000	70,000
West Virginia (WV)	70,000	70,000
Wisconsin (WI)	70,000	70,000
Wyoming (WY)	70,000	70,000
<b>TOTAL</b>	<b>\$4,645,456</b>	<b>\$4,542,817</b>

## II. 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. Grant 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.

In FY 2005 & 2006, 110 grants ranging from \$100,000 to \$987,918 were awarded to States, (including the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, and the Virgin Islands). The Northern Mariana Islands are not included as they do not hold Federal elections. Refer to table 2 for breakdown of States and units of local government funding allotment.

Section 261 of HAVA provides that funds be made available to States to carry out the following activities:

- Make polling places, including path of travel, entrances, exits, and voting areas of each polling facility, accessible to individuals with the full range of disabilities.
- Provide the same opportunity for access and participation (including privacy and independence) to individuals with the full range of disabilities.
- Provide training for election officials, poll workers, and election volunteers on how best to promote the access and participation of individuals with the full range of disabilities in elections for Federal office.
- Provide individuals with the full range of disabilities with information about the accessibility of polling places.

Examples of activities carried out by the States and Territories with Section 261 HAVA funds include:

- ✓ **AMERICAN SAMOA** – The American Samoa Election Office developed a wide range of programs to inform voters about information regarding the accessibility of polling places. A newsletter and brochure on basic voting etiquette, equal access and the American with Disabilities Act Accessibility Guidelines were produced for disabled voters and caregivers.
- ✓ **CALIFORNIA** – The California Secretary of State established 54 contracts with counties in California to execute voting projects. Several counties used the funds to cover the costs of materials used to inventory polling places for ADA requirements and for materials and signage needed to bring polling places up to ADA standards.
- ✓ **IDAHO** – The Idaho Secretary of State office produced audio files for the visually impaired and made them available on the [Idahovotes.gov](http://Idahovotes.gov) website with instructions on how to use the ballot marking device along with the full text of measures, amendments and propositions on the ballot.
- ✓ **MARYLAND** – The Maryland State Board of Elections (SBE) received permission from a local public school board to have permanent signs posted at schools to direct voters to the accessible election poll entrance for the Gubernatorial Primary Election in 2006. The installment of permanent signs relieved the election judges of a morning set-up responsibility and eliminated the

risk that temporary signs would be put in the wrong location or disappears over the course of the day.

- ✓ **NEBRASKA** – The Nebraska Secretary of State Office provided voting information to officials, poll workers and the public through the purchase of a DVD designed for use in a neighboring state, which was adapted to detail Nebraska laws. The DVD, entitled “Operating Nebraska’s Election Equipment,” was distributed to all counties for voter training and available to a wide array of service oriented agencies for check-out.
- ✓ **PENNSYLVANIA** – The Pennsylvania Department of State developed an electronic polling place survey to obtain information regarding accessibility concerns for disabled voters. The results were posted on the Department of State’s website to assist with monitoring the status of inaccessible polling places. This effort ultimately increased the number of accessible polling places due to improvements and consolidations made by the Pennsylvania Department of State.
- ✓ **TEXAS** – The Texas Secretary of State’s Office contracted with a company in 2006 to create a comprehensive online resource for election workers. The online training consisted of two components: the first component instructs election officials on the polling place rules and rules on qualifying voters and the second component included training on the new HAVA mandated voting machines.
- ✓ **VERMONT** – The Vermont State Election Office implemented a vote-by-phone system which proved to be successful during the 2006 election.
- ✓ **VIRGIN ISLAND** – The Virgin Island Election System created a poll worker category, titled “Facilitator,” specifically pooled from community members who work in the service industry, i.e. bankers, attorneys, principles, etc. The group of individuals received the regular poll worker orientation in addition to meeting with the Director of the Disability Rights Center to discuss and receive instructions on how to deal with challenged individuals. On Election Day, the individuals were assigned to polling places to facilitate the process and the voting experience of electors.

**TABLE 2. STATES AND UNITS OF LOCAL GOVERNMENT FISCAL YEARS 2005 & 2006 FUNDING ALLOTMENT**

SECRETARY OF STATE/CHIEF ELECTION OFFICIAL

<b>STATE/TERRITORY</b>	<b>FISCAL YEAR 2005</b>	<b>FISCAL YEAR 2006</b>
Alabama (AL)	\$128,596	\$145,531
Alaska (AK)	100,000	100,000
American Samoa	100,000	100,000
Arizona (AZ)	153,942	177,764
Arkansas (AR)	100,000	100,000
California (CA)	987,918	1,113,936
Colorado (CO)	128,791	144,975
Connecticut (CT)	100,367	112,880
Delaware (DE)	100,000	100,000
District of Columbia	100,000	100,000
Florida (FL)	496,335	567,355
Georgia (GA)	242,122	275,200
Guam	100,000	100,000
Hawaii	100,000	100,000
Idaho (ID)	100,000	100,000
Illinois (IL)	357,156	401,375
Indiana (IN)	174,040	196,432
Iowa (IA)	100,000	100,000
Kansas (KS)	100,000	100,000
Kentucky (KY)	118,395	134,098
Louisiana (LA)	125,791	141,938
Maine (ME)	100,000	100,000
Maryland (MD)	156,570	176,352
Massachusetts (MA)	187,479	209,776
Michigan (MI)	285,828	321,049
Minnesota (MN)	144,433	163,535
Mississippi (MS)	100,000	100,000
Missouri (MO)	162,874	185,113
Montana (MT)	100,000	100,000
Nebraska (NE)	100,000	100,000
Nevada (NV)	100,000	100,000
New Hampshire (NH)	100,000	100,000
New Jersey (NJ)	246,625	277,149
New Mexico (NM)	100,000	100,000
New York (NY)	555,556	620,763
North Carolina (NC)	239,539	272,062
North Dakota (ND)	100,000	100,000
Ohio (OH)	326,742	367,670
Oklahoma (OK)	100,000	112,832
Oregon (OR)	102,733	116,159
Pennsylvania (PA)	361,395	405,348
Puerto Rico	102,963	120,722
Rhode Island	100,000	100,000
South Carolina (SC)	118,395	134,422
South Dakota (SD)	100,000	100,000
Tennessee (TN)	168,564	191,026
Texas (TX)	601,834	687,205
Utah (UT)	100,000	100,000
Vermont (VT)	100,000	100,000
Virginia (VA)	211,785	239,539
Virgin Island	100,000	100,000
Washington (WA)	175,675	199,841
West Virginia (WV)	100,000	100,000
Wisconsin (WI)	156,895	177,953
Wyoming (WY)	100,000	100,000
<b>TOTAL</b>	<b>\$9,919,338</b>	<b>\$10,890,000</b>

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

Section 291 of the Help America Vote Act establishes a training and technical assistance discretionary grant program funded by setting aside seven percent of the amount appropriated for State Protection and Advocacy Systems. Grants awarded under this authority must be used in the promotion of self sufficiency and 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 recipient(s) of these funds must assure that training and technical assistance will be provided to all Protection and Advocacy Systems throughout the nation. In FY 2005, three grants were awarded for a total amount of \$347,177; whereas, a total of \$338,103 was awarded to three grantees in fiscal year 2006. Refer to Table 3 for a detailed breakdown of grant award amounts for Training & Technical Assistance Grants.

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

- ✓ The National Disability Rights Network (NDRN) responded to over 120 individual requests from the Protection and Advocacy Systems for information and technical assistance. NDRN maintained and monitored a voting listserv for the Protection & Advocacy System staff with over 190 postings throughout an annual project period. The voting listserv provided a critical mechanism for P&As to communicate with each other about their activities and share best practices. The listserv also allowed NDRN to respond to queries, initiate discussion on important issues and quickly disseminate breaking voting news or information to the P&A network.
- ✓ The National Federation of the Blind (NFB) established and maintained consulting relationships with voting machine vendors and manufacturers. The following vendors/manufacturers provided the National Center on Nonvisual Election Technology (NCNET) video demonstrations of their accessible voting machines; Avante International Technology, Inc.; Diebold Election Systems, Inc.; Election Systems and Software (ESS); Hart InterCivic; and Sequoia Voting Systems.
- ✓ The National Technical Assistance Center on Voting and Cognitive Access provided several strategies to connect the Protection & Advocacy Systems with self-advocacy leaders/groups through written documents, presentations and teleconferences.
- ✓ The University of Montana disseminated a tip sheet to the Protection & Advocacy staff entitled *Successful Strategies for Promoting Native American Electoral Participation*. The tip sheet included background information on increased Native American electoral participation in 2004, recommendations for promoting electoral participation by Native Americans with disabilities, suggestions for collaboration between P&A representatives and Native Vote organizations, and a list of organizations involved in Native Vote projects.

### **TABLE 3. TRAINING & TECHNICAL ASSISTANCE FISCAL YEARS 2005 & 2006 FUNDING ALLOTMENT**

<b>TRAINING AND TECHNICAL ASSISTANCE</b>		
<b>GRANTEE</b>	<b>FISCAL YEAR 2005</b>	<b>FISCAL YEAR 2006</b>
National Disabilities Rights Network	\$128,530	\$144,115
National Federation of the Blind	\$85,245	\$93,988
Portland State University	\$128,127	<i>No Award</i>
University of Montana	<i>No Award</i>	\$100,000
<b>TOTAL</b>	<b>\$341,902</b>	<b>\$338,103</b>

The Help America Vote Act of 2002 has created an election reform movement that includes the replacement of outdated voting machines and the establishment of programs that provide funds to States and Territories specifically for the establishment or improvement of accessibility to all aspects of the voting process. In addition, our nation's Protection and Advocacy Systems receive funds to provide added assurance that voting is accessible to all, despite the presence of a physical, intellectual, or "hidden" disability. Information gleaned from narrative reports submitted to the Administration on Developmental Disabilities indicates that the States are making great strides to ensure that the right to vote is accessible to all individuals.