

PROTECTION AND ADVOCACY VOTING ACCESS ANNUAL REPORT

OMB NUMBER: 0970-0326

DATE SUBMITTED: December 7, 2007

STATE/TERRITORY: Virginia

NAME OF PROTECTION AND ADVOCACY AGENCY: Virginia Office for Protection and Advocacy

FISCAL YEAR: October 1, 2006 – September 30, 2007 **FISCAL YEAR AWARD AMOUNT:** \$70,000

REPORT SUBMITTED BY: Sherry Confer
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Area 1

- ❖ To ensure full participation in the electoral process for individuals with disabilities
 - Activities may include, but not limited to registering to vote, casting a vote, and accessing polling places.

Goal/Activity outlined in plan (application):

Goal: People with Disabilities have Equal Access to Government Services

Focus Area: Inaccessible Polling Places for Persons with Disabilities

Description of activities performed and completed	Represent three (3) individuals denied the right to vote due to inaccessible polling places. VOPA resolved six issues involving inaccessibility issues at polling sites, one involving adaptive technology and another involving a ramp, and at each location the registrars have agreed to train staff on accessibility issues. One additional case seems close to resolution.	
Number of individuals served	6	
Description of types of outreach and education	N/A	
Description of Activities NOT completed and the barriers and/or reasons	N/A	
Total amount of HAVA funding expended on activities in Area 1	Salaries/Fringe	\$3,712.80
	Maintenance & Operational Expenses	\$4,639.85
Description of activities in Area	VOPA resolved this at the lowest level with the local registrar so it was not necessary to go further with a higher level of legal advocacy. Technical	

<p>that displayed innovation which can be shared as “Best Practices” with other State P&A’s</p>	<p>assistance and collaboration between VOPA and registrars resulted in positive outcomes for people with disabilities.</p>
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Area 2

- ❖ To provide education, training and assistance to individuals with disabilities that will promote their participation in the electoral process.
 - Activities may include, but not limited to education regarding voter registration, providing 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.

Goal/Activity outlined in plan (application):
Goal: People with Disabilities have Equal Access to Government Services
Focus Area: Inaccessible Polling Places for Persons with Disabilities

<p>Description of activities performed and completed</p>	<p>Place VOPA’s Interactive Polling Place Survey Instrument on the webpage by October 1, 2006 and send to six (6) advocacy groups or other Protection and Advocacy Systems.</p> <p>In southwest Virginia, air VOPA’s Public Service Announcement (PSA) informing the community of their right to access polling places prior to the November 2006 election.</p> <p>Develop an accessibility checklist for polling places, distribute to 200 people with disabilities, and train three (3) consumer groups on the use of the checklist.</p> <p>Send voting rights brochures to Community Service Boards (CSB) and Centers for Independent Living (CIL).</p> <p>Send voter registration information to all interested individuals by mail.</p> <p>Conduct a call-in radio interview with the Virginia Voice regarding voting rights.</p> <p>Develop and run Voting Rights radio public service announcement at five radio stations across the Commonwealth.</p> <p>VOPA forwarded a web-link to the interactive polling place survey instrument on VOPA’s website to six advocacy groups: NAMI advocacy group in Chesapeake, Roanoke Alliance for the Visually Enabled an advocacy group in Roanoke, ARC of Virginia Richmond, Virginia Coalition for Students with Disabilities, the West Virginia Statewide Independent Living Council (as they provide services to the far southwest area of Virginia), and the Virginia Department for the Deaf and Hard of Hearing. The instrument was an interactive version of the polling information and polling survey provided by the Department of Justice about the Americans with Disabilities Act.</p>
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	<p>VOPA developed a checklist which was an abbreviated version of the ADA checklist with more comprehensive language for checking the accessibility of polling places. This was distributed at trainings with eight consumer groups training over 135 people. VOPA also offered to pay a stipend to people with disabilities who surveyed their own polling sites.</p> <p>VOPA mailed voting rights brochures to sixteen randomly selected Community Service Boards, five Centers for Independent Living across the Commonwealth of Virginia, and to three individuals who contacted VOPA and expressed an interest in this issue.</p> <p>VOPA conducted a call-in radio show on voting rights with the Virginia Voice, and ran a public service announcement on voting rights on radio stations in Blacksburg, Radford, Roanoke, Charlottesville, and Norfolk.</p> <p>VOPA aired a public service announcement on rights to access at polling sites. This was broadcast in Roanoke prior to the 2006 election, and aired in Hampton, the Eastern Shore, Roanoke, and Southwest Virginia in June of 2007.</p>				
Number of individuals served	Approximately 2204 individuals were impacted by the Outreach and Training Sessions held at various sites and via the strategies above.				
Description of types of outreach and education	<p>5 Public Service Announcements</p> <p>9 Outreach and Training Sessions were held throughout the state</p> <p>279 Information and Referral Services provided</p>				
Description of Activities NOT completed and the barriers and/or reasons	N/A				
Total amount of HAVA funding expended on activities in Area 1	<table> <tr> <td>Salaries/Fringe</td> <td>\$3,712.80</td> </tr> <tr> <td>Maintenance & Operational Expenses</td> <td>\$4,639.85</td> </tr> </table>	Salaries/Fringe	\$3,712.80	Maintenance & Operational Expenses	\$4,639.85
Salaries/Fringe	\$3,712.80				
Maintenance & Operational Expenses	\$4,639.85				
Description of activities in Area 1 that displayed innovation which can be shared as "Best Practices" with other State P&A's	<p>VOPA offered to pay a stipend to people with disabilities who surveyed their own polling sites. We received 11 surveys back from individuals in the community in the mail. Nine of which were compliant with the Americans with Disabilities Act. The issues identified by the other two surveys were addressed through individual representation (see below). No individuals who responded chose to take the stipend.</p> <p>VOPA received two surveys from individuals where the polling sites were in direct violation of the Americans with Disabilities Act. Both locations responded in writing. One agreed to provide relevant Universal Accessibility signs for parking and to ensure that a pipe protruding into the parking area, although not on the route to the site, was adequately indicated. The other agreed</p>				

	to provide a parking area on the shortest route to the polling site and to address the issue of a grate on the accessible route by changing the route.
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Area 3

- ❖ Participate in advocacy and education efforts revolving around HAVA implementation efforts in their State or Territory.
 - Activities may include, but not limited to participation on HAVA State Planning Committee, subcommittee or coalition efforts regarding the State Plan, and review, advocacy, and education concerning the enactment of HAVA State Legislation.

Goal/Activity outlined in plan (application):

Description of activities performed and completed	N/A
Number of individuals served	N/A
Description of types of outreach and education	N/A
Description of Activities NOT completed and the barriers and/or reasons	N/A
Total amount of HAVA funding expended on activities in Area 1	N/A
Description of activities in Area 1 that displayed innovation which can be shared as "Best Practices" with other State P&A's	N/A

Area 4

- ❖ 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.
 - Activities may include, but not limited to providing training and participating in the development of training education programs for election officials and poll workers.

Goal/Activity outlined in plan (application):

Goal: People with Disabilities have Equal Access to Government Services
 Focus Area: Inaccessible Polling Places for Persons with Disabilities

Description of activities performed and completed	<p>Obtain corrective actions for seven (7) inaccessible polling places identified by consumers.</p> <p>Inform all voting registrars that persons with disabilities may not have</p>
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picture identification and should be allowed to cast a full ballot upon showing alternate proof of residence, prior to November 2006 election.

VOPA was contacted by an individual with a visual impairment who went to vote on November 7th 2006 and was told that there was no accessible format with which he could vote. They said that he may want his wife to assist him. VOPA spoke with the individual who indicated that they had a machine that he could have voted with but that it was not plugged in and the staff indicated that they did not know how to set it up. VOPA wrote a letter to the registrar explaining what had occurred. The letter referred to the ADA and Section 402 and explained how polling sites are required to have an accessible format. The registrar agreed both verbally and in writing to train all polling site staff on how to set up and provide information on the equipment and to understand the law.

In another case we were contacted by an individual using a walker where the polling site was not appropriately accessible (no ramp). We provided technical assistance to this individual as per their request. We informed them of how the site was in violation of the Americans with Disabilities Act and gave them the relevant ADA statutes both verbally and in writing.

VOPA successfully resolved two other cases with two visually impaired individuals who were not offered appropriate accommodations at their polling sites. The registrars agreed in writing to provide appropriate training to their staff and to educate them about the relevant ADA statutes.

VOPA mailed letters to all (134 general registrars) voting registrars alerting them that people with disabilities have the right to vote even if they do not have identification. This letter included the VOPA voting rights brochure and the interactive polling place survey.

In May 2006, VOPA was informed that the State Board of Elections had issued a memorandum to all locations and general registrars informing them that persons with mental illness residing in State mental health institutions were not allowed to vote by absentee ballot. VOPA attempted to work with the State Board of Elections and the Governor's counsel for several months in an effort for the memorandum to be retracted. The State Board of Elections refused to do so. VOPA then initiated legal action using another funding stream. In October of 2006 VOPA filed a lawsuit against the State Board of Elections and several institutions who had been refused absentee ballots. This suit resulted in a settlement in October 2006 that led to a change in the law that was very favorable to people with mental illness who live in State mental health institutions, but uncovered other problems that VOPA plans to address in the future. VOPA worked with policy makers to try to address those additional problems.

Number of individuals served	1,500 (average census of residents in State mental health institutions)
Description of	1 mailing to 134 registrars

types of outreach and education	
Description of Activities NOT completed and the barriers and/or reasons	N/A
Total amount of HAVA funding expended on activities in Area 1	Salaries/Fringe \$3,712.80 Maintenance & Operational Expenses \$4,639.85
Description of activities in Area 1 that displayed innovation which can be shared as "Best Practices" with other State P&A's	
<p><u>Area 5</u></p> <ul style="list-style-type: none"> ❖ To assist individuals with disabilities in filing complaints under the State-based administrative grievance procedure required by HAA and represent individuals with disabilities in any hearing that may be held regarding the complaint. <p><i>Goal/Activity outlined in plan (application):</i></p>	
Description of activities performed and completed	N/A
Number of individuals served	N/A
Description of types of outreach and education	N/A
Description of Activities NOT completed and the barriers and/or reasons	N/A
Total amount of HAVA funding expended on activities in Area 1	N/A
Description of activities in Area 1 that displayed innovation which can be shared as "Best Practices" with other State P&A's	N/A
<p><u>Area 6</u></p>	

- ❖ To provide assistance to States and other governmental entities regarding the physical accessibility of polling places.
 - Activities may include, but not limited to surveying polling places, identifying potential modifications to make specific polling places accessible, and developing criteria for identifying accessible polling places.

Goal/Activity outlined in plan (application):

Description of activities performed and completed	N/A
Number of individuals served	N/A
Description of types of outreach and education	N/A
Description of Activities NOT completed and the barriers and/or reasons	N/A
Total amount of HAVA funding expended on activities in Area 1	N/A
Description of activities in Area 1 that displayed innovation which can be shared as "Best Practices" with other State P&A's	N/A

Area 7

- ❖ To obtain training and technical assistance on voting issues, including education regarding accessible voting equipment and systems. Once educated, the information may be used to inform others of the availability of accessible voting equipment and its use.

Goal/Activity outlined in plan (application):

Description of activities performed and completed	N/A
Number of individuals served	N/A
Description of types of outreach and education	N/A
Description of Activities NOT completed and the barriers and/or reasons	N/A

Total amount of HAVA funding expended on activities in Area 1	N/A
Description of activities in Area 1 that displayed innovation which can be shared as "Best Practices" with other State P&A's	N/A
<p>Citizen feedback regarding the improvements and/or changes to ensure full participation in the electoral process.</p> <p>VOPA solicits public input and comment annually for the development of all P&A grant activities.</p>	
<p>Funding carried over from previous fiscal years – FY 2003 - 0 FY 2004 - 0 FY 2005 - \$47,650.04 FY 2006 - \$70,000.00</p>	
<p>Explanation of spending trend (use of funds and/or lack of funds used)</p> <p>VOPA's expenses for each area are estimated. Our priorities crossed several areas and we do not track expenses to the level of detail requested here. These expenditures also include expenses related to activities that are charged to all P&A grants. For example, when staff provide a presentation about VOPA, they always mention our PAVA work. So a portion of their time and expenses are pro-rated to the PAVA grant.</p> <p>It should be noted that of the maintenance and operations expenditures, \$9332.60 was spent on the PSAs for Roanoke, Lynchburg and the Hampton Roads area.</p>	