

PROTECTION AND ADVOCACY VOTING ACCESS ANNUAL REPORT

OMB NUMBER: 0970-0326

DATE SUBMITTED:

STATE/TERRITORY: Virginia

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

FISCAL YEAR: October 1, 2007 – September 30, 2008 FISCAL YEAR AWARD AMOUNT: 84,754.00

REPORT SUBMITTED BY: Sherry Confer
(Name)

Deputy Director
(Title)

CONTACT INFORMATION: 804-662-7375
Telephone Number

Sherry.Confer@vopa.virginia.gov
(E-mail Address)

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: Voter registration and absentee ballots. Inaccessible polling Places for Persons with Disabilities

Description of activities performed and completed

Identify twenty (20) individuals in mental health facilities and nursing homes who want an absentee ballot to vote and assist to obtain.
VOPA staff completed voting outreach and presentations at several facilities throughout the Commonwealth and assisted people by providing registration forms and absentee ballots and providing assistance when requested. VOPA staff visited Central State Hospital, Piedmont Geriatric Hospital, Eastern State Hospital, Southern Virginia Mental Health Institute and the Mental Health Unit at Sentara hospital in Norfolk. We identified a total of 47 people who either needed assistance with registering to vote or filling out a request for an absentee ballot.

Investigate whether persons with disabilities may take a companion into the voting booth for assistance. Advise State Board of Elections by October 26, 2007.

Through anecdotal information, VOPA staff had been informed that there was some controversy as to whether individuals with disabilities were allowed to bring a companion into a voting booth for assistance if they requested to do so. VOPA decided to carry out a test at a random polling site to see if this was indeed true. VOPA staff contacted the local registrar in Petersburg regarding whether or not an individual with a disability could bring a companion into the voting booth and was informed that they could provided they filled out the relevant paperwork. Upon voting on election day every effort was made to

| | |
|---|---|
| | ensure that an individual who attended a polling site was appropriately accommodated regarding bringing a companion with them. The State Board of Election was informed. In February VOPA also obtained a corrective action at a polling site in Petersburg about their parking area and accessible equipment. They agreed to put appropriate signage in the parking lot, ensure that staff were appropriately trained to use the accessible equipment, and that individuals would be afforded their privacy when voting. |
| Number of individuals served | Focus Area 1: 47 people Focus Area 2: 642 people (Based on calculation of overall registered voters for that precinct) |
| Description of types of outreach and education | Provided training on Voter registration forms, absentee ballot requests, and applicable rules and regulations. VOPA gave assistance to individuals when requested. |
| Description of Activities NOT completed and the barriers and/or reasons | N/A |
| Total amount of HAVA funding expended on activities in Area 1 | \$7,929 |
| Description of activities in Area 1 that displayed innovation which can be shared as "Best Practices" with other State P&A's | Advocacy providers and facility staff need to provide training and education to ensure that staff and clients supported in state facilities and nursing homes have a comprehensive understanding of their state's interpretation of an individual's capacity. Some staff in state facilities and nursing homes did not know that only a judge can determine capacity for an individual and thereby were assuming that an individual did not have the capacity to vote based on a medical specialists determination when in fact they did have the right to vote. Due to staff turnover and the fact that trainings may not routinely occur regarding voting rights this needs to be shared with all staff and clients on a routine basis. |

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: Voter Rights, Voter registration and absentee ballots. Inaccessible Polling Places for Persons with Disabilities

| | |
|---|--|
| <p>Description of activities performed and completed</p> | <p>Develop training on voter rights and present at two (2) state mental health hospitals and one private psychiatric hospital. VOPA provided several presentations at multiple state operated mental health hospitals, one ward at a private hospital and at a geriatric facility. We discussed their rights as individuals with disabilities and the multiple ways that an individual can choose to access their right to vote including absentee ballots. We let them know that we were non-partisan but encouraged them to educate themselves on the issues in their local areas. We also provided handout copies of a power point discussing these issues to all attendees. After the presentations we would provide an opportunity for questions. We also provided registration forms and absentee ballot requests to interested individuals at the Southside Regional Recovery Expo. VOPA provided three consecutive voter rights presentations at Central State Hospital a state operated mental health hospital. VOPA provided a voting rights presentation at Southern Virginia Mental Health Institute and VOPA did a Voting Rights/Accessibility presentation to several residents at Piedmont Geriatric State Hospital. VOPA provided a Voting Rights presentation at the Mental Health Unit in Sentara Hospital in Norfolk. VOPA provided training and outreach at Eastern State Hospital and at Piedmont Geriatric State Hospital.</p> <p>Inform individuals at three (3) senior centers or nursing homes about the accessibility checklist and voter rights VOPA provided presentations at four different nursing homes located throughout the Commonwealth and to Senior Center attendees at the Southern Virginia Area Agency on Aging forum. VOPA provided a Voting Rights presentation at Autumn Care Nursing and Rehabilitation Center in Norfolk and at Beth Sholom Nursing Center in Norfolk. VOPA also provided a presentation at Amelia Nursing and Rehabilitation Center, Heritage Hall in Grundy and to a group of senior center attendees at the Southern Area Agency on Aging. VOPA distributed Absentee Ballot applications and Voter Registration forms to all interested attendees.</p> <p>Revise the accessibility checklist for polling places and train three (3) consumer groups on the use of the checklist. VOPA provided Voting Rights presentations and trainings regarding an accessibility checklist which is an abbreviated version of the ADA checklist that VOPA developed last fiscal year, this checklist contains more comprehensive language about the accessibility of polling places ant it was distributed to nine different consumer groups.</p> <p>Develop a radio PSA to celebrate the 5th anniversary of HAVA and distribute it to five (5) radio stations, through the Virginia Government Communicators group and other strategies. VOPA wrote a radio PSA and it was publicized through three different radio stations. It was read in the Eastern Shore areas, Hampton, Virginia Beach, and Chesapeake. Two college radio stations publicized it for free in Southwestern Virginia.</p> |
|---|--|

| | |
|---|--|
| <p>Number of individuals served</p> | <p>Seven outreach training sessions at Central State Hospital, Southern Virginia Mental Health Institute, Eastern State Hospital, Piedmont Geriatric Hospital and the Mental Health Unit in Sentera Hospital in Norfolk. VOPA provided training and outreach for 502 individuals.</p> <p>Five outreach and training sessions at Autumn Care Nursing and Rehabilitation Center, Beth Sholom Nursing Center, Amelia Nursing and Rehabilitation Center, Heritage Hall in Grundy and to a group of senior center attendees at the Southern Area Agency on Aging for 114 individuals.</p> <p>Nine outreach and training sessions to nine affiliated with Clubhouses and Independent Living Center Consumer Advocacy and Social Networking groups for 148 individuals.</p> <p>5 Public Services radio announcements.</p> |
| <p>Description of types of outreach and education</p> | <p>VOPA provided power point trainings with handouts with an opportunity for Q & A at the end of each presentation at multiple state facilities, nursing homes and senior center groups regarding the voter rights of individuals with disabilities and provided access to voter registration forms and absentee ballots applications.</p> |
| <p>Description of Activities NOT completed and the barriers and/or reasons</p> | <p>N/A</p> |
| <p>Total amount of HAVA funding expended on activities in Area 2</p> | <p>\$21,013</p> |
| <p>Description of activities in Area 1 that displayed innovation which can be shared as "Best Practices" with other State P&A's</p> | <p>See Area 1</p> |
| <p><u>Area 3</u></p> <ul style="list-style-type: none"> ❖ Participate in advocacy and education efforts revolving around HAVA implementation efforts in their State or Territory. <ul style="list-style-type: none"> ○ 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. <p><i>Goal/Activity outlined in plan (application):</i> Carry over activities from FY07.</p> | |

| | |
|---|---|
| Description of activities performed and completed | <p>Ensure that qualified voters in State facilities have access to absentee ballots</p> <p>Virginia's State law allows for voters to obtain absentee ballots only under limited circumstances. One reason permitted was if a person is unable to get to the polling site because of a physical disability, a reason which impermissibly excluded those with mental disabilities who were unable to get to a polling site. VOPA worked with the State Board of Elections and key policy makers, to educate the legislature about the discriminatory nature of state law. The legislature modified state law so that a person may obtain an absentee ballot if they are unable to get to a polling site due to any disability.</p> |
| Number of individuals served | N/A |
| Description of types of outreach and education | VOPA's outreach to residents of State facilities helped to identify persons affected. VOPA subsequent outreach focused on the change in law. |
| Description of Activities NOT completed and the barriers and/or reasons | Litigation (which would have been done using other funds) was not necessary |
| Total amount of HAVA funding expended on activities in Area 3 | \$5,154 |
| Description of activities in Area 1 that displayed innovation which can be shared as "Best Practices" with other State P&A's | VOPA used State Freedom of Information Act requirements to identify the number of persons affected and seriousness of the problem. |
| <p><u>Area 4</u></p> <ul style="list-style-type: none"> ❖ 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. <ul style="list-style-type: none"> ○ Activities may include, but not limited to providing training and participating in the development of training education programs for election officials and poll workers. <p>Goal/Activity outlined in plan (application): Goal: People with Disabilities have Equal Access to Government Services Focus Area: Voter registration and absentee ballots. Inaccessible polling Places for Persons with Disabilities</p> | |
| Description of activities performed and | <p>Obtain corrective actions for seven (7) inaccessible polling places identified by consumers.</p> |

| | |
|---|--|
| <p>completed</p> | <p>VOPA was contacted by an individual with a mobility related disability who was not able to use an accessible entrance to a polling site because it was not available. VOPA wrote a letter to the registrar explaining what had happened. The letter referred to the ADA and explained how polling sites are required to have an accessible entrance. VOPA procured an agreement from the Roanoke County registrar ensuring that accessible entrances would be made available on the next election day.</p> <p>VOPA was contacted by two individuals with visual impairments for whom the accessible voting equipment was not available on election day and the staff was not trained to address this. VOPA wrote a letter to the registrar explaining what had occurred. The letter referred to the ADA and Section 402 of the Help America Vote Act and explained how polling sites are required to have an accessible format. VOPA obtained an agreement from the registrar at Virginia Beach regarding equipment accessibility and staff training.</p> <p>VOPA was contacted by an individual in Wise County who was visually impaired whose polling site did not have accessible equipment and whose staff were not appropriately trained. VOPA obtained an agreement from the registrar regarding their equipment and staff training.</p> <p>VOPA was contacted by an individual with a mobility related disability at a polling site where the parking was not on the shortest route and there was a step in the entrance to the polling site. VOPA wrote a letter to the registrar explaining what the issues were. The letter referred to the ADA and explained how polling sites are required to have an accessible entrance and parking lot. VOPA obtained an agreement from the registrar to fix these issues.</p> |
| <p>Number of individuals served</p> | <p>329 people (Based on calculation of overall registered voters for those precincts)</p> |
| <p>Description of types of outreach and education</p> | <p>N/A</p> |
| <p>Description of Activities NOT completed and the barriers and/or reasons</p> | <p>N/A</p> |
| <p>Total amount of HAVA funding expended on activities in Area 4</p> | <p>\$3,965</p> |
| <p>Description of activities in Area 1 that displayed innovation which can be shared as "Best Practices"</p> | <p>N/A</p> |

| | |
|--|------------------------------|
| 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 5 | 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> <ul style="list-style-type: none"> ❖ To provide assistance to States and other governmental entities regarding the physical accessibility of polling places. <ul style="list-style-type: none"> ○ 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. <p><i>Goal/Activity outlined in plan (application):</i></p> <p>Goal: People with Disabilities have Equal Access to Government Services</p> <p>Focus Area: Voter registration and absentee ballots. Inaccessible polling Places for Persons with Disabilities</p> | |
| Description of activities performed and completed | Please see report for Area 4 |
| Number of | N/A |

| | |
|--|--|
| individuals served | |
| 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 6 | 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 7</u></p> <p>❖ 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.</p> <p>Goal/Activity outlined in plan (application): Goal: People with Disabilities have Equal Access to Government Services Focus Area: Voter registration and absentee ballots. Inaccessible polling Places for Persons with Disabilities</p> | |
| Description of activities performed and completed | VOPA staff person attended the ADA symposium in St. Louis, Missouri. The conference specifically addressed ADA challenges for code officials and provided a session on Accessible Voting and addressed other ADA issues that are pertinent to voter accessibility. |
| 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 7 | \$1,586 |
| Description of activities in Area | Provided training to VOPA staff regarding recent ADA cases and the impact their precedent has on cases involving accessibility issues. Reviewed and |

| | |
|---|--|
| <p>Ithat displayed innovation which can be shared as “Best Practices” with other State P&A’s</p> | <p>provided handouts on ADA Titles II and III case law update discussing recent cases that had occurred that created precedent for future ADA issues. VOPA staff shared highlights from the training and case examples at a monthly staff meeting.</p> |
| <p>Citizen feedback regarding the improvements and/or changes to ensure full participation in the electoral process. 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 – \$102,440</p> | |
| <p>Explanation of spending trend (use of funds and/or lack of funds used) 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 provides 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>VOPA closed its Virginia Beach office in the spring of 2008. The 5-person office was being used by only 3 staff. As all VOPA staff are expected to travel statewide as needed, this action did not negatively impact VOPA’s ability to provide advocacy services statewide.</p> | |