

PROTECTION AND ADVOCACY VOTING ACCESS ANNUAL REPORT

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DATE SUBMITTED:

STATE/TERRITORY: Virginia

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

FISCAL YEAR: October 1, 2008 – September 30, 2009 **FISCAL YEAR AWARD AMOUNT:** \$84,945

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<p><u>Area 1</u></p> <ul style="list-style-type: none"> ❖ To ensure full participation in the electoral process for individuals with disabilities <ul style="list-style-type: none"> ○ Activities may include, but not limited to registering to vote, casting a vote, and accessing polling places. <p><i>Goal/Activity outlined in plan (application):</i> People with disabilities have equal access to government services including access to voting.</p>	
<p>Description of activities performed and completed</p>	<p>VOPA developed a presentation and training on Voter Rights, Registration, and Identification Requirements. VOPA staff provided registration materials and presentations for thirteen (13) consumer groups at a variety of locations such as Centers for Independent Living, Clubhouses, parent advocacy groups and three veterans' groups.</p> <p>VOPA staff informed residents at six nursing homes about Voter Rights and Registration requirements, and provided registration materials and absentee ballot applications.</p> <p>VOPA staff distributed 28 absentee ballot applications to individuals in a nursing home who expressed an interest in being able to vote.</p>
<p>Number of individuals served</p>	<p>458</p>
<p>Description of types of outreach and education</p>	<p>VOPA staff developed a presentation on Voter Rights, Registration and Identification Requirements. This was provided to a total of thirteen (13) consumer groups. In attendance at these groups were approximately 289 individuals. VOPA distributed 72 voter registration forms and 60 absentee ballot applications to interested individuals at these presentations. VOPA also provided outreach and training to three Veterans groups disseminating information to 105 individuals.</p> <p>VOPA provided outreach to approximately 64 individuals in Nursing homes</p>

	regarding their Voting Rights, Registration and Identification Requirements including distributing absentee ballot applications and voter registration forms.
Description of Activities NOT completed and the barriers and/or reasons	N/A
Total amount of HAVA funding expended on activities in Area	\$41,777
Description of activities in Area that displayed innovation which can be shared as “Best Practices” with other State P&A’s	
<p><u>Area 2</u></p> <ul style="list-style-type: none"> ❖ To provide education, training and assistance to individuals with disabilities that will promote their participation in the electoral process. <ul style="list-style-type: none"> ○ 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. <p><i>Goal/Activity outlined in plan (application):</i> People with disabilities have equal access to government services including access to voting.</p>	
Description of activities performed and completed	<p>In October 2008, VOPA posted information about the following on its website: voting rights, voter registration, and a Question and Answer fact sheet about absentee ballots.</p> <p>VOPA staff developed a presentation and training on voter rights and presented it to five groups of individuals with disabilities and staff within one state-operated mental health institution. VOPA staff also identified 6 individuals there who wanted an absentee ballot application and assisted them in obtaining them.</p> <p>VOPA distributed its HAVA Public Service Announcement (PSA) to five radio stations located in the Hampton Roads area, running it from October 28, 2008 through November 4, 2008. Those stations have about 1,197,200 listeners in that area. According to the US census, there are about 239,440 people with disabilities in that area that may have heard a PSA.</p> <p>VOPA developed a fact sheet about new voter registration, absentee ballots, and identification requirements. The fact sheet was posted on the VOPA website and disseminated at presentations around the State.</p> <p>VOPA worked with five individuals who were still in the secondary education system developing transition plans to provide them with education on their voter rights and registration. VOPA staff also developed a written objective in each individual’s transition plan to assist them in becoming a registered voter.</p>

	<p>VOPA assisted an individual in a state-operated mental health institution to file an appeal due to his not having received an absentee ballot and having not been informed by the registrar despite having sent in appropriate documentation.</p> <p>Radio stations receiving the PSA estimated that they had a listening audience of 239,440. VOPA provided rights information to 120 individuals at the mental health institution and assisted an additional 6 individuals.</p>
Number of individuals served	239,566
Description of types of outreach and education	<p>VOPA worked with a state-operated mental health institution to meet with several of their patient groups to provide information regarding voter rights, methods of voting and to provide an opportunity to register to vote or fill out an absentee ballot application. Two of the groups were in the process of developing their Wellness Recovery Action Plan (WRAP) and the discussion also involved incorporating their rights as voters into their WRAP. Two of the groups were actively working towards developing discharge plans to the community and VOPA discussed the moving process including informing the registrar and registering to vote.</p> <p>VOPA's PSA reviewed polling site accessibility issues that people with disabilities may encounter such as a step or entrance barriers. VOPA received several Information and Referral calls from the Eastern Shore and Hampton Roads area addressing multiple issues such as voter rights, registration and polling site location.</p>
Description of Activities NOT completed and the barriers and/or reasons	N/A
Total amount of HAVA funding expended on activities in Area	\$24,020
Description of activities in Area that displayed innovation which can be shared as "Best Practices" with other State P&A's	<p>Advocates and providers need to provide training and education to ensure that staff and clients in state-operated institutions and nursing homes have a comprehensive understanding of their state's interpretation of an individual's decision-making capacity. Staff were educated that only a judge can make the legal determination of lacking capacity to vote, and not to assume that an individual did not have the capacity to vote when in fact they did have the legal 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.</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></p>	

Description of activities performed and completed	Two staff attended a forum at the University of Virginia (UVA) that was sponsored by the UVA Institute on Aging entitled “Exploring Voting Among Citizens in Long Term Care in Virginia.” It was attended by nursing home representatives, state voting registrars and members of the State Board of Elections.
Number of individuals served	Not applicable
Description of types of outreach and education	This was an opportunity to network and discuss voting issues with election officials and to review the issues facing the elderly and people with disabilities in Virginia living in assisted living and nursing home facilities.
Description of Activities NOT completed and the barriers and/or reasons	Not applicable
Total amount of HAVA funding expended on activities in Area	This activity’s cost was spread across several of VOPA’s funding streams.
Description of activities in Area that displayed innovation which can be shared as “Best Practices” with other State P&A’s	
<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): People with disabilities have equal access to government services including access to voting.</p>	
Description of activities performed and completed	<p>VOPA staff identified six geographically diverse cities and counties to ensure that people with disabilities have an equal opportunity to register to vote. VOPA surveyed the voter registrars’ offices and other public buildings to ensure accessibility for people with disabilities and to ensure compliance with the Americans with Disabilities Act and Americans with Disabilities Act Administrative Guidelines. VOPA staff obtained corrective actions for five inaccessible registrars’ offices.</p> <p>VOPA staff investigated whether persons with disabilities may take a companion into the voting booth for assistance by meeting with State Board of Elections Officials and reviewing relevant policies on this issue. We received no complaints on this issue during the grant period.</p> <p>VOPA estimates that the activities in this area impacted 170,779 people with disabilities. (US census of Virginia residents in these areas X 20%; the US census estimates that 1 in 5 individuals has a disability)</p>

Number of individuals served	170,779
Description of types of outreach and education	<p>VOPA staff surveyed voting registrar offices and locations in several Virginia counties and cities, including Lynchburg, Caroline, Fairfax, Fauquier, Richmond and Wytheville to determine if their voting registrars offices and associated offices were accessible to people with disabilities, or in compliance with HAVA and the ADA. Where VOPA found inaccessible conditions, it sent a technical assistance letter describing the inaccessible conditions and requesting a meeting. Meetings resulted in several settlement agreements, including agreements in Fauquier, Lynchburg, Caroline and Richmond to do full surveys of all government properties to determine if they are accessible. Lynchburg and Fauquier entered into settlement agreements with VOPA and made modifications to their properties. Caroline surveyed their properties and has begun making modifications. Richmond has agreed to survey all of its government properties. No violations were noted in Wytheville.</p> <p>VOPA staff received several calls during the week before Election Day and on Election Day 2008 regarding: accessibility issues, how to file a complaint with the State Board of Elections, issues with ballots running out, length of lines in polling sites, and how to locate and access a registrar. However, no formal complaints were filed with VOPA regarding barriers encountered at the polling sites. Throughout FY09, VOPA provided information and referral for 414 individuals when they contacted VOPA with questions related to voting.</p> <p>VOPA staff met with State Board of Elections Officials and discussed the requirements under HAVA companion to be allowed to provide assistance inside the voting booth for an individual with a disability if required. The State Board of Elections said that they had reviewed this requirement with state registrars who would inform their staff and volunteers.</p>
Number of individuals served	414
Description of types of outreach and education	Not applicable
Description of Activities NOT completed and the barriers and/or reasons	Not applicable
Total amount of HAVA funding expended on activities in Area	\$1242
Description of activities in Area that displayed innovation which can be shared as "Best Practices" with other State P&A's	
Continuity of the Activities	
VOPA will continue to provide information and referral, training and education about voting	

rights for people with disabilities. Outreach in FY10 includes state-operated institutions, nursing homes and assisted living facilities.

Citizen feedback regarding the improvements and/or changes to ensure full participation in the electoral process.

Information regarding the HAVA program and VOPA's Goals and Focus areas are published on our website. The VOPA Governing Board has adopted a tri-annual schedule for reviewing our program goals and focus areas; the FY10 Goals and Focus areas are the first year of this cycle. We solicited public comment through a public survey posted on our website. This survey ran from June 1 to August 31, 2009. VOPA also distributed written requests for public comment at public meetings and presentations during this period. Although VOPA received 97 public comments from consumers, family members and professionals, no comments were related to voting issues. The VOPA Governing Board has an established policy and practice to receive public comment at each quarterly meeting of the Board; also, all VOPA Board and advisory council meetings are advertised as open to the public and include receipt of public comment as an agenda item. Any public comment received is considered in the priority planning process for the development of VOPA's goals, focus areas and objectives. No public comments were received related to HAVA.

Funding carried over from previous fiscal years -\$133,453

Explanation of spending trend (use of funds and/or lack of funds used)- In addition to the expenses noted above, HAVA funds were used to cover administrative costs including office supplies, printing and other expenses necessary for office operations.