

**HELP AMERICA VOTE ACT (HAVA) VOTING ACCESS ANNUAL REPORT – STATES**

**OMB Number: 0970-0327**

**STATE:** Virginia **FISCAL YEAR: 2011** (*October 1, 2010 – September 30, 2011*)

**FISCAL YEAR 2011 AWARD AMOUNT:** \$84,986

**REPORT SUBMITTED BY:** Sherry Confer Deputy Director  
Name Title

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**DATE SUBMITTED:** November 17, 2011

***Mandate Area 1***

- ❖ To ensure full participation in the electoral process for individuals with disabilities.

***Goal/Activity outlined in the FY2011 EAID plan (application):***

<b>Description of activities in the EAID plan (application) carried out to completion</b>	<p><b>Represent five (5) individuals who have encountered barriers to voting based upon their disability.</b></p> <p>VOPA successfully resolved a complaint regarding an inaccessible entrance and doorway at a polling site in Chesterfield County. VOPA responded to a complaint regarding a polling site in Chesterfield County that was not accessible. VOPA provided technical assistance to the registrar who agreed to implement recommendations for corrective action to include additional parking lot signage and modifications to the entrance of the facility.</p> <p><b>Obtain Transition Plans for Children that Include Understanding their Right to Vote</b></p> <p>VOPA represented children in ten cases to ensure that they receive appropriate transition planning under IDEIA. When we represent a child in transition planning, we also cover voting rights. In each case, the client's school agreed to include information about voting in the Client's transition plan.</p> <p><b>By June 30, 2011, investigate the process for the provision of voting rights information to patients and residents at Virginia Department of Behavioral Health and Developmental Services (DBHDS) -operated facilities. Seek corrective action as</b></p>
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**appropriate.**

Through a letter to the Commissioner of the Department of Behavioral Health and Developmental Services (DBHDS), VOPA addressed the following issues:

1) DBHDS facilities do not have a process by which they analyze the quality of providing voting rights information. For example, the training centers conduct "Voter Registration Agency Certification" forms during individuals' annual reviews. However, some facility staff admitted that there is no formal process to implement education and or training to ensure that individuals eligible to vote know about their rights;

2) There is no consistency in policies and procedures among DBHDS facilities about the provision of voting rights information. DBHDS Central Office stated that there is no Departmental policy to address the provision of voting rights information. Rather, we were directed to 12VAC35-110-20 about ensuring the right of individuals receiving services from DBHDS-operated facilities to vote;

3) Most DBHDS-operated mental health facilities do not track the numbers of those registered to vote or who have been restricted from voting through adjudication of incapacity; and

4) Based on our review of the policies and procedures of several DBHDS-operated facilities, it appears that the interdisciplinary teams may formally restrict individuals from voting if they believe that such individuals, who do not have legal guardianship, lack the capacity to vote. However, legally individuals can only be legally restricted from voting by a court of law.

After researching the policies and procedures and data from DBHDS-operated facilities and DBHDS Central Office, we submitted a letter to DBHDS Central Office outlining our concerns and recommendations. We also discussed the issue with one of the facilities - Central Virginia Training Center - about the process to provide the residents information about their voting rights. At a social work staff meeting, we discussed our concerns and ideas for collaboration with Central Virginia Training Center. Some of the social workers were open to the idea of improving and formalizing a system to provide their clients information about their voting rights and process. VOPA will continue our advocacy on this issue in FY2012.

**Based on the results of that investigation, train staff and residents or patients at two (2) state institutions regarding voter rights and responsibilities with specific focus on an individual's**

	<p><b>capacity to vote.</b></p> <p>VOPA conducted voting rights trainings during four Rights Clinics at two state-operated mental health facilities, Catawba Hospital and Eastern State Hospital. We provided voter rights information to 111 patients and staff, and provided voter registration forms and absentee ballot request forms. These trainings emphasized the right to accommodations to facilitate the exercise of the privilege to vote while hospitalized, and the restoration of voting rights for individuals disqualified due to legal incapacity or a felony conviction.</p>
<p><b>Description of activities that displayed innovation which can be shared as “best practices” with other states</b></p>	<p>Not applicable</p>
<p><b>Description of activities in the EAID plan (application) NOT carried out to completion &amp; the barriers and/or reasons</b></p>	<p>VOPA had set a goal of representing five individuals who had identified accessibility issues at their polling sites. VOPA only received one complaint during FY11, which was favorably resolved.</p>
<p><b>Description of Significant Barriers and/or road blocks to carrying out activities &amp; possible solutions</b></p>	<p>Lack of policies and procedures among DBHDS facilities about the provision of voting rights information. DBHDS Central Office stated that there is no Departmental policy to address the provision of voting rights information. Rather, we were directed to 12VAC35-110-20 about ensuring the right of individuals receiving services from DBHDS-operated facilities to vote. DBHDS has informed us they have put a system in place to assess ensuring consumers’ right to vote.</p>
<p><b>Description of collaborative efforts with other organizations or groups</b></p>	<p>VOPA represented children in ten cases to ensure that they receive appropriate transition planning under IDEIA. In each case, the client’s school agreed to include information about voting in the Client’s transition plan.</p> <p>VOPA met with DBHDS social work staff and discussed areas for collaboration with Central Virginia Training Center to improve and formalize a system to provide their clients information about their voting rights and process.</p>
<p><b>Total amount of HAVA funding expended on activities in Mandate Area 1</b></p>	<p>\$16,624</p>

**Mandate Area 2**

- ❖ To provide education, training and assistance to individuals with disabilities that will promote their participation in the electoral process.

**Goal/Activity outlined in the FY2011 EAID plan (application):**

<p><b>Description of activities in the EAID plan (application) carried out to completion</b></p>	<p><b>Train ten (10) consumer or advocacy groups regarding voting accessibility and registration, and assist participants with voter registration as needed.</b></p> <p>VOPA conducted training on voting rights and ADA accessibility at J. Sergeant Reynolds Community College, three Woodrow Wilson Rehabilitation Center classes, the Petersburg Area Rehabilitation Center, and at Department of Rehabilitative Services offices in Norfolk and Petersburg, providing information and voting rights brochures to approximately 166 individuals. VOPA maintained quarterly office hours at the Roanoke, Manassas and Petersburg Centers for Independent Living, and provided trainings voting rights (and other topics under other funding streams) and provided information and referral to over 110 individuals.</p> <p><b>Inform seniors with disabilities of their voting rights through ten (10) visits to Senior Community Centers or services provided through Community Action Programs, and assist with voter registration as needed.</b></p> <p>VOPA informed seniors with disabilities of their voting rights through ten visits to Senior Community Centers or Community Action Program service centers, assisting individuals with voter registration forms as needed. Presentations were conducted on the Eastern Shore, southwest Virginia, the central Blue Ridge area, and in central Virginia. In addition, staff of the Centers were provided Voter Registration forms and Absentee Ballot forms, along with VOPA contact information, for use with others who might not have attended the presentations. These trainings provided voting rights information to 241 individuals.</p> <p><b>Inform residents of Assisted Living Facilities (ALFs) of their voting rights through visits to all ALFs that accept Auxiliary Grant Funding, and assist residents with voting registration as needed.</b></p> <p>In October 2010, VOPA completed its surveys of all Assisted Living Facilities (ALFs) in Virginia that accept Auxiliary Grant funding to</p>
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	<p>educate residents regarding their voting rights. In summary, during FY2010 and 2011, VOPA surveyed 287 facilities and presented voting rights information to 2,142 residents, and distributed 3,233 Voter Registration forms. We assisted 285 residents in registering to vote and 219 residents in filing a request for an absentee ballot.</p> <p>VOPA selected five ALFs for follow-up based on the results of our FY2010 Help America Vote Act (HAVA) Voting Rights campaign. Four ALFs had previously refused access to VOPA to discuss voting rights and denied us access to residents, and one ALF was chosen for follow-up due to poor conditions observed. VOPA completed surveys at all five ALF locations and provided voter rights training to residents. Using other funding, we notified the DSS Office of Licensing Programs of VOPA's observations regarding conditions at one facility.</p> <p><b>Train five (5) groups of thirty (30) Department of Social Services employees, foster care providers, and foster care advocates on the rights of children in their custody to live independent lives, including the right to vote independently and to gain access to state and federal programs to enter the workplace.</b></p> <p>VOPA completed five trainings for employees of the Department of Social Services on the rights of children in their custody to live independent lives. The trainings included information on other government programs and services (using other funding streams) as well as voting. VOPA answered questions regarding specific cases and agreed to be a source for referrals for future questions or complaints. A total of 80 DSS employees received training on voting rights.</p>
<p><b>Description of activities that displayed innovation which can be shared as "best practices" with other states</b></p>	<p>Not applicable</p>
<p><b>Description of activities in the EAID plan (application) NOT carried out to completion &amp; the barriers and/or reasons</b></p>	<p>Not applicable</p>
<p><b>Description of Significant Barriers and/or road blocks to carrying out activities &amp;</b></p>	<p>During FY10 activities, four ALFs had refused access to VOPA to discuss voting rights and denied us access to residents. In FY11, VOPA sent demand letters informing each facility of our access rights under federal law and contacted the director of each facility by telephone. As a result, VOPA completed surveys at all four ALF</p>

<b>possible solutions</b>	locations and provided voter rights training to residents.
<b>Description of collaborative efforts with other organizations or groups</b>	The Department of Social Services asked VOPA to provide training to five employee groups on the rights of children in their custody to live independent lives. The trainings included information on government programs and services and voting rights. VOPA Collaborated with DSS to coordinate and schedule presentations.
<b>Total amount of HAVA funding expended on activities in Mandate Area 2</b>	\$3,117
<p><b>Mandate Area 3</b></p> <ul style="list-style-type: none"> <li>❖ Participate in advocacy and education efforts revolving around HAVA implementation efforts in Virginia.</li> </ul> <p><b>Goal/Activity outlined in the FY2011 EAID plan (application):</b></p>	
<b>Description of activities in the EAID plan (application) carried out to completion</b>	Not Applicable
<b>Description of activities that displayed innovation which can be shared as “best practices” with other states</b>	Not Applicable
<b>Description of activities in the EAID plan (application) NOT carried out to completion &amp; the barriers and/or reasons</b>	Not Applicable
<b>Description of Significant Barriers and/or road blocks to carrying out activities &amp; possible solutions</b>	Not Applicable
<b>Description of collaborative efforts with other organizations or groups</b>	Not Applicable

<b>Total amount of HAVA funding expended on activities in Mandate Area 3</b>	Not Applicable
<p><b>Mandate Area 4</b></p> <ul style="list-style-type: none"> <li>❖ Training and education of election officials, poll workers, and election volunteers regarding the rights of voters with disabilities and best practices in working with individuals with disabilities.</li> </ul> <p><b>Goal/Activity outlined in the FY2011 EAID plan (application):</b></p>	
<b>Description of activities in the EAID plan (application) carried out to completion</b>	<p><b>Develop Disability Awareness materials specifically addressing accommodations for individuals with disabilities who are exercising their right to vote and send to all registrars across the Commonwealth.</b></p> <p>VOPA developed a fact sheet on “Disability Awareness in the Polling Place.” This fact sheet, along with a copy of the publication “Disability Etiquette” by the United Spinal Association was distributed to all City and County Voter Registrars in Virginia for use in training election staff and poll workers. These were well received. For example, the Lynchburg Voter Registrar responded that “The two publications included with the letter, "Disability in the Voting Place" and "Disability Etiquette" are particularly well done and I would like to include them in the training materials for the Election Officials. The Charles City County Electoral Board unanimously voted to include the VOPA information in their upcoming training materials for poll workers, commenting, “We believe it is a great tool for our Officers of Elections.”</p>
<b>Description of activities that displayed innovation which can be shared as “best practices” with other states</b>	<p>VOPA developed a fact sheet on “Disability Awareness in the Polling Place.” This fact sheet, along with a copy of the publication “Disability Etiquette” by the United Spinal Association was distributed to all City and County Voter Registrars in Virginia for use in training election staff and poll workers.</p>
<b>Description of activities in the EAID plan (application) NOT carried out to completion &amp; the barriers and/or reasons</b>	Not applicable
<b>Description of Significant</b>	Not applicable

<b>Barriers and/or road blocks to carrying out activities &amp; possible solutions</b>	
<b>Description of collaborative efforts with other organizations or groups</b>	Not applicable
<b>Total amount of HAVA funding expended on activities in Mandate Area 4</b>	\$2,078
<p><b>Mandate Area 5</b></p> <ul style="list-style-type: none"> <li>❖ To assist individuals with disabilities in filing complaints under the State-based administrative grievance procedure required by HAVA and represent individuals with disabilities in any hearing that may be held regarding the complaint.</li> </ul> <p><b>Goal/Activity outlined in the FY2011 EAID plan (application):</b></p>	
<b>Description of activities in the EAID plan (application) carried out to completion</b>	Not Applicable
<b>Description of activities that displayed innovation which can be shared as "best practices" with other states</b>	Not Applicable
<b>Description of activities in the EAID plan (application) NOT carried out to completion &amp; the barriers and/or reasons</b>	Not Applicable
<b>Description of Significant Barriers and/or road blocks to carrying out</b>	Not Applicable

<b>activities &amp; possible solutions</b>	
<b>Description of collaborative efforts with other organizations or groups</b>	Not Applicable
<b>Total amount of HAVA funding expended on activities in Mandate Area 5</b>	Not Applicable
<p><b>Mandate Area 6</b></p> <ul style="list-style-type: none"> <li>❖ To provide assistance to States and other governmental entities regarding the physical accessibility of polling places.</li> </ul> <p><b>Goal/Activity outlined in the FY2011 EAID plan (application):</b></p>	
<p><b>Description of activities in the EAID plan (application) carried out to completion</b></p>	<p><b>By March 1, 2011, identify three (3) county or city school districts where schools also serve as voting sites and conduct accessibility surveys of the voting sites. Obtain corrective action as appropriate. In choosing the counties or cities, preference will be given to previously underserved areas.</b></p> <p>VOPA chose three counties in which we have had few requests for services or systemic activities in recent years, and surveyed schools that serve as voting sites in Campbell County, Dickinson County and Prince George County. In each case, VOPA sent a technical assistance letter setting out accessibility violations found, suggesting ways to correct those problems and requesting that the school state that it will make those corrections. VOPA sent a technical assistance letter to Campbell County requesting that it make certain accessibility changes. Campbell County Public Schools has agreed to correct all accessibility problems before the next election. All of the Dickenson County schools surveyed were found to be accessible – VOPA sent a letter to the district so stating. VOPA surveyed Prince George County schools that serve as voting sites and sent a technical assistance letter regarding issues with accessibility. VOPA is awaiting Prince George County’s response and will follow-up as necessary.</p> <p>VOPA also completed accessibility surveys at two schools that were not completed under the FY10 objectives. VOPA sent a technical assistance letter to Mathews County and received a commitment from Mathews County that it will correct the problems found. All schools in Orange County serving as polling sites were surveyed to see if voting areas are accessible to people with disabilities. A technical assistance</p>

	<p>letter was sent to Orange County detailing accessibility problems. Orange County has agreed to make all changes.</p> <p><b>Survey every registrar's office in the Commonwealth for compliance with the Americans with Disabilities Act (ADA).</b></p> <p>VOPA conducted accessibility surveys of every Voter Registrar office in Virginia, a total of 134 city or county registrar offices. This was a year-long effort in which advocacy staff conducted surveys of local city/county registrars as they travelled throughout the state conducting other client work or outreach. This allowed VOPA to stretch its HAVA funding to cover the entire state. VOPA developed a survey instrument and trained all staff to conduct the survey. Sixteen staff participated in this project. These surveys focused on accessible parking, entrances and ramps, and interior doorways and service areas. VOPA found no significant issues at 67 voter registration offices. 23 offices did not have accessible parking; 21 locations did not have required signage for accessible parking spaces; 24 locations lacked signage to designate accessible pathways or entrances; 7 locations did not have proper ramps to the building entrance; and 24 locations had inaccessible entrances due to architectural barriers or improper door fixtures. During FY12, VOPA will follow up with each office and provide technical assistance on issues identified as part of its ongoing HAVA campaign.</p>
<p><b>Description of activities that displayed innovation which can be shared as "best practices" with other states</b></p>	<p>Not applicable</p>
<p><b>Description of activities in the EAID plan (application) NOT carried out to completion &amp; the barriers and/or reasons</b></p>	<p>Not applicable</p>
<p><b>Description of Significant Barriers and/or road blocks to carrying out activities &amp; possible solutions</b></p>	<p>Not applicable</p>
<p><b>Description of collaborative efforts with other</b></p>	<p>Collaborated with Campbell County Public Schools and Orange County Public Schools to schedule surveys and to survey schools that</p>

<b>organizations or groups</b>	<p>serve as voting sites. Collaborated with Dickenson County voter registrar and school board to schedule surveys.</p> <p>The State Board of Elections supported VOPA's survey campaign by advising several local registrar offices to cooperate in this activity. Several local voter registrars also expressed a desire to receive technical assistance and support from VOPA in seeking additional local funding to address barriers to voting.</p>
<b>Total amount of HAVA funding expended on activities in Mandate Area 6</b>	\$64,419
<p><b>Mandate Area 7</b></p> <ul style="list-style-type: none"> <li>❖ 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.</li> </ul> <p><b>Goal/Activity outlined in the FY2011 EAID plan (application):</b></p>	
<b>Description of activities in the EAID plan (application) carried out to completion</b>	Not Applicable
<b>Description of activities that displayed innovation which can be shared as "best practices" with other states</b>	Not Applicable
<b>Description of activities in the EAID plan (application) NOT carried out to completion &amp; the barriers and/or reasons</b>	Not Applicable
<b>Description of Significant Barriers and/or road blocks to carrying out activities &amp; possible</b>	Not Applicable

<b>solutions</b>	
<b>Description of collaborative efforts with other organizations or groups</b>	Not Applicable
<b>Total amount of HAVA funding expended on activities in Mandate Area 7</b>	Not Applicable
<p><b>Continuity of the activities</b>  VOPA will continue to provide information and referral, training and education about voting rights for people with disabilities. Outreach in 2012 includes community residential settings for people with disabilities and follow-up on some of the 2011 Registrar related activities.</p>	
<p><b>Citizen feedback on voter accessibility issues within your state</b>  In FY2011, VOPA provided information and referral services to 1858 individuals who contacted the Office with questions about voting. Please see above regarding positive comments from Registrars' Offices regarding materials provided by VOPA to assist with training on voting accessibility.</p> <p>VOPA developed and implemented strategies for gathering public comment on the FY12 objectives as well as the work of VOPA in general. A web-based survey was posted on the VOPA website and announced to the public via several list-serves. The VOPA Advisory Councils also participated in focus group activities with VOPA staff and provided input on the objectives, including those related to HAVA.</p>	
<p><b>Funding carried over from previous fiscal years –</b>  \$0 (FY10 Dollars)</p> <p>As of September 30, 2011, VOPA had \$71,153 in HAVA funds.</p> <p><b>Explanation of spending trend (use of funds and/or lack of funds used, particularly any funds sent back to treasury )</b></p> <p>HAVA funds are also used to cover administrative cost that occur including equipment, printing, and other expenses as well as staff time necessary for office operations in addition to voting rights advocacy.</p>	