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CIDNY November 2009 Poll Site Accessibility Survey and Individual Voter Surveys

On December 15, 2009 the State Board of Elections certified new voting systems, giving the green light to full implementation in 2010 of the Help American Vote Act (HAVA) in New York State. The transition from lever machines to paper ballots counted by optical scanners should eliminate many barriers voters with disabilities faced during the November 3, 2009 election. Data collected from CIDNY's 2009 Poll Site Accessibility and Individual Voter Surveys show that poll workers often did not know where to place ballots marked by the accessible voting machine, called the Ballot Marking Device (BMD). In 2010, people who use the BMD to mark their paper ballots will no longer have any reason to fear that their vote will not be counted when it goes through the optical scanner in the same manner as ballots marked by hand. In recent elections, BMD voters worried that their votes were not private because their paper ballot was the only one in the BMD box. When BMD ballots are scanned along with hand marked ballots, concerns about how BMD ballots are handled, whether they are really being counted and whether they are private will no longer be issues. We have long understood that separate is not equal, and when HAVA is fully in effect in 2010, everyone's ballot will be treated the same way.

Better Signage

Accessible voting systems must be accompanied by accessible polling sites. Most barriers to access reported to CIDNY via 51 Poll Site Accessibility Surveys and 39 Individual Voter Surveys from the November 3, 2009 General Election require few resources to correct. The new, large, durable directional accessible entrance signs (pictured right) the NYC BOE purchased but did not use during the fall 2009 elections could eliminate problems with locating the accessible entrance experienced by 30 percent of surveyed voters. These results were reinforced by findings that 41 percent of the 51 poll sites CIDNY surveyed did not follow ADA guidelines for external signage.



Wireless Door Bells for Access

The wireless door bell systems that the NYC BOE purchased but did not use during the fall 2009 elections could eliminate the problems with doors that are hard to open experienced by 40 percent of surveyed voters and found at 21 percent of poll sites CIDNY surveyed. Wireless door bells also have the potential to eliminate pathway barriers caused when poll workers use large objects to prop open doors. The NYC BOE has informed CIDNY that the new signs and wireless bell systems will be utilized during the 2010 elections.

Attentive Poll Workers Can Make a Difference

Each year CIDNY finds large objects obstructing pathways at poll sites. At PS 110 in Manhattan (pictured right), a folded rug lies in the doorway. Poll workers can play an important role in looking for and eliminating these types of barriers.



Of the 51 polling places CIDNY surveyed on November 3, 2009, barriers were found at 43 sites:

- 51% (26) had entryway barriers
- 43% (22) had exterior signage barriers
- 39% (20) had interior access barriers
- 22% (11) had interior signage barriers
- 17% (9) had ramp barriers

NYCBOE Has Made Some Progress

CIDNY looks forward to seeing fewer access barriers at poll sites as the NYC BOE utilizes \$1.7 million from a federal HAVA grant to make permanent fixes to poll sites located at public schools, and as the NYC BOE continues addressing the problems identified in CIDNY's surveys. We have seen improvements at seven poll sites as a result of the NYC BOE's response to findings from [CIDNY's November 2008 Poll Site Accessibility Report](#).

In response to the hazard CIDNY identified in 2008, which could cause a tall, blind voter to become injured by protruding window gates (left photo), the NYC BOE placed cane detectable cones at PS 199 in Queens during 2009 (right photo).



As the NYC BOE makes permanent structures accessible and ensures that poll workers understand the importance of proper use of signage and maintaining unobstructed pathways, a resolution of accessibility concerns is achievable in New York City.

CIDNY poll site accessibility surveys were conducted in New York City in November 2003, March 2004, September 2004, November 2004, November 2005, November 2006, November 2007, February 2008, September 2008, November 2008 and November 2009.

Below are the number of sites visited during each survey and the number of sites where access barriers were found:

November 2003	31 Sites Visited, 14 Sites or 42% with Barriers
March 2004	44 Sites Visited, 30 Sites or 68% with Barriers
September 2004	35 Sites Visited, 15 Sites or 43% with Barriers
November 2004	85 Sites Visited, 52 Sites or 61% with Barriers
November 2005	77 Sites Visited, 57 Sites or 74% with Barriers
November 2006	15 Sites Visited, 15 Sites or 100% with Barriers
November 2007	50 Sites Visited, 42 Sites or 84% with Barriers
February 2008	34 Sites Visited, 29 Sites or 85% with Barriers
September 2008	24 Sites Visited, 21 Sites or 87% with Barriers
November 2008	65 Sites Visited, 54 Sites or 83% with Barriers
November 2009	51 Sites Visited, 43 Sites or 84% with Barriers

Since 2003, CIDNY has conducted 511 site surveys, finding 372 with barriers, or 73% overall. We have visited 333 polling locations throughout New York City, surveying many locations several times over the years.

A reasonable accommodation

Despite the many problems reported by voters requesting to use the BMD, responses to CIDNY's Individual Voter Survey indicate strong support for this accommodation. Sixty-nine percent said the BMD is an improvement over absentee and lever voting. Some voters expressed how much they appreciated the BMD because in addition to gaining privacy, they no longer had to worry that the person assisting them with the levers or an absentee ballot was leaving out parts of the ballot. The following quotes from voters are a sample of remarks demonstrating the importance of the BMD as an accommodation:

- For us there is no comparison, at home [with absentee ballot] it's still not private. We enjoy taking our time and being able to cast a ballot privately, taking time to hear, and not feeling rushed in the voting booth -- you know, to have that option. And each time we do it, it will get faster and faster. (Poll site: PS 3, Manhattan)
- Using the BMD was much more comfortable than the lever machine. I felt more confident in knowing I had the time to listen to the information, and check my ballot choices. I did not feel rushed by the poll workers peaking into the voting booth to check on me, when using the lever machine. (Poll site: PS 193)
- I'm so relieved that it went so well. One thing I'm happy about is that I was able to enlarge the print and easily read the ballot. I also liked the way the BMD told me I hadn't looked at all the choices and also gave me a chance to review my ballot at the end. It was very intuitive. (Poll site: PS 127, Brooklyn)
- It is an improvement because the lever is dangerous because it is too high and I have bad balance so standing up is not a good thing for me. (Poll site: P.S. 40 Manhattan)
- When I used it before [when it was working] it was an improvement. Gives you privacy and independence. You know you have things read [rather than having to worry that the person you are relying on is not giving you all the information]. (Poll site: 135 W. 23rd Street)
- Going to vote is just more fun for a politics junkie like me, and I have more faith that my vote actually counts now than when I was voting absentee. (Poll site: Church on 4th ave and 80th Street, Brooklyn)

- People were friendly, everything was accessible, it was a positive experience. (Poll site: 116th between 1st and 2nd Ave, Manhattan)
- I love the BMD. I never was sure, on the lever machine, that I had found all the referenda questions, or pushed the correct lever, because the levers are located between names instead of lined up next to them. (Poll site: 170 Ave C, Village East Towers in Manhattan)

Public Outreach

Survey respondents want more public outreach and education to let people know about the BMD. They provided the following suggestions: notifying people who currently receive absentee ballots about this option; having signs at the poll sites; and informing people that the audio function starts with absolutely no volume so people do not assume it is not working and that it works better if you bring your own headphones.

In addition, outreach should target people who do not perceive themselves as being disabled, but could also benefit from the BMD. For example, those who would not be able to mark a paper ballot if they forgot their glasses could use the large print function on the BMD and people with shaky hands, who might have trouble filling in a bubble on a paper ballot, may prefer the BMD.

The poll worker knowledge gap

Voters and poll site survey volunteers repeatedly reported that poll workers did not know BMD procedures involving placement, set up, operation, sign in and securing the BMD ballot after it printed the voter's selections. In CIDNY's Voter Survey, responses to the question, "How would you rate the information/instructions you received from the poll workers about the BMD?" were 28 percent positive, 32 percent neutral and 40 percent negative.

In optional comment fields eight people described poll workers who did not know what to do while they attempted to use the BMD. This quote is from a voter with a visual disability: "The machine was not even set up - they had to take it out of the box. The guy who was teaching me didn't know it; he's placing my hand on the touch screen. I said where are the keys and he said he doesn't know how to use them. I said where are the keys and I'll know what to do. I found the key pad because he was telling me there was none." This same voter also wrote, "Oh I loved it" in response to the question, "Was the BMD an improvement over your previous manner of voting?"

Among the optional comments, four gave details about having to ask poll workers to move so they could vote privately. Four reported being told that no poll workers were available to help them use the BMD or to come back later when the poll worker familiar with the BMD would be back from break. Four related that they were told the BMD wasn't working and then found out that it was working. Here is one description of that experience:

I vote in ED 78 and I am a wheelchair user. When I signed in, no one mentioned the availability of the BMD [which already disturbed me vis a vis the BOE's duty to inform voters about the BMD]. Then, when I inquired, the poll reps looked to each other and said that it was not up. I needed to make an appointment so I agreed to use the lever machine with assistance. After I voted, I asked to see the poll site coordinator to find out why the BMD was not up. I told them I served on the NYS BOE Advisory committee [which, of course they didn't believe]. The poll worker reluctantly escorted me and exclaimed how "nice" she was to escort me [this poor crip]. When I asked the poll site coordinator why the BMD was not up, she asked "Who told you that?" The poll worker said, "I did, I didn't see anything." The

coordinator pointed to a wall and said "There it is" [machine standing alone with no one attending it]. "I didn't know", the poll worker said. I turned to the poll site coordinator and said, "I'll need to report this." (Poll Site: Murrow High School, Brooklyn)

The following voter had a similar experience with a poll worker preventing access to the BMD and acting inappropriately towards an individual with a disability. In June and July of 2009, CIDNY provided interactive disability awareness curriculum to 90 trainers of poll workers and demonstrated how to use the problem-solving materials in three hour sessions. Of the 81 NYC BOE adjunct trainers who completed CIDNY's evaluation form, 91% said CIDNY's Disability Awareness Training for Poll Workers will enhance the effectiveness of their work. Yet, trainers also informed CIDNY that only 15 minutes of the 3 hour BOE poll worker training session could be devoted to the topic of disability awareness. With so little time for preparing poll workers to assist voters with disabilities in a legal, respectful way, the unacceptable behavior described below is difficult to counteract.

From the beginning, the first poll worker was looking at and directing questions to my Personal Care Assistant (PCA), which is usually not a good sign. After I signed into the BOE log book, I informed her that I wanted/needed to use the Ballot Marking Device (BMD) and she made a sigh of exasperation and told me that the BMD was broken. I do not think I am alone in thinking that such a response from a poll worker is inappropriate. The technician overheard this conversation and reported that the BMD was working. (Poll Site: 55 Pierrepont St, Brooklyn)

CIDNY received several reports about poll workers not knowing what to do with the BMD ballot. Poll workers have placed BMD ballots in the affidavit envelop box, defeating the purpose of going to the polls to use the BMD. BMD ballots are counted on election night, while affidavit ballots go through an approval process after the election. Voters were given affidavit ballots instead of emergency ballots when the BMD malfunctioned, causing at least one woman to be disenfranchised at PS 34 in Brooklyn. She received a notice that her affidavit ballot was not counted because the record showed that she was signed in as having used the BMD. At Seward Park Cooperatives, a voter left his ballot in an unsealed envelop because poll workers said there was no ballot box. At P.S. 175 and Village East Towers in Manhattan, poll workers also said there was no ballot box, however, voters insisted that the poll workers find the ballot box and in both instances it was located.

Clearly, accessible voting will not be achieved in New York City until the poll worker knowledge gap is closed and the NYC BOE promotes the BMD as a reasonable accommodation. One poll worker called CIDNY to report that when he received his training during the morning of October 24, 2009 at the Brooklyn Borough Office, the instructor told the class not to promote the BMD and said "we don't really want them to use it." She portrayed the BMD negatively, giving reasons why poll workers should discourage its use, such as stating that it takes twenty minutes to use the BMD. A poll worker from Queens said that in trainings he attended in 2008 and 2009, the class was actively urged to discourage the use of the BMD.

The following list summarizes obstacles to using the BMD reported to CIDNY by voters:

- Voters were told it wasn't working.
- Poll workers said they didn't know anything about it or never heard of it.
- Voters were told that the poll worker who knew about it was at lunch.
- Poll workers said it wasn't set up, but when the voter went to talk to the coordinator it turned out that it was operational.
- The ballot jammed.

- There was no key to turn on the BMD, even by 7:30PM when a voter arrived at the poll site to use it.
- A voter needed the sip and puff device and it was missing (55 Pierrepont Street, Brooklyn).
- The BMD was missing headphones (PS 166, Manhattan).

One survey respondent wrote, "I am wondering if some of these poll workers were using the same excuse the bus drivers used when the wheelchair lifts were first in place." When wheelchair users were fed up with drivers telling them they didn't have the lift key, they began to place themselves in front of the buses in protest.

To review the complete data collected from individual voters, please refer to [CIDNY November 2009 Individual Voter Survey Summary](#).

Barriers to Poll Site Accessibility

CIDNY's Individual Voter Survey also asked voters about access barriers at their neighborhood poll sites:

- 50% reported confusing or missing signs
- 30% reported hard to find accessible entrance
- 40% reported doors that were hard to open
- 30% reported a confusing path to voting
- 40% reported a long path to voting

The NYC Board of Elections has taken important steps to solve many of these problems. It has purchased wireless doorbell systems so voters can request assistance gaining entry and large, clear, durable signs to direct voters to the accessible entrance. Yet, for some reason, these new signs and new doorbell systems were not in place during this fall's elections.

CIDNY's Accessibility Surveys of 51 poll sites in Manhattan and Queens, also found extensive problems with signage (41 percent had external signage barriers according to ADA Guidelines for Polling Places). There is a sign (pictured below, right) with the words, "Accessible Entrance Located" with blank lines for directions. It should be posted at the inaccessible main entrance to direct voters to the accessible entrance. Repeatedly, we found no sign at the main entrance about the location of the accessible entrance and this sign was incorrectly placed at the accessible entrance. Poll workers need to be educated about ADA Accessibility Guidelines for Polling Places so they can make sure signs are properly placed.



This "Accessible Entrance Located" sign should be placed at the inaccessible main entrance. Instead it was placed at the accessible entrance without a sign at the inaccessible main entrance informing voters how to locate the accessible entrance.

At the inaccessible main entrance to the Oberia Dempsey Center there is no sign to direct voters to the accessible entrance.

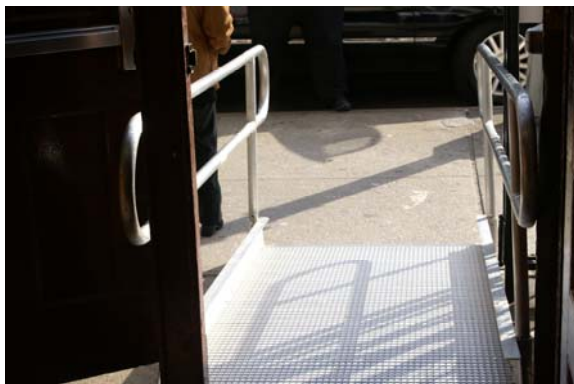
For a complete list of poll sites visited and barriers found, refer to [November 2009 Chart of Polling Sites](#). The following photos and captions illustrate some of the barriers identified during the November 3, 2009 General Election.



This poll site at Phipps Houses in Queens was completely inaccessible because the doorways have steps.



Nine (17 percent) of the 51 poll sites CIDNY visited on November 3, 2009 had crowded voting areas. A person using a wheelchair would have difficulty maneuvering at these sites. At Barrier Free Living (pictured left), the hallway where the BMD was set up was so narrow, that a chair was not even provided. There was a large room not in use in this building that would have been better suited for a voting area.



At Seward Park High School (Manhattan) there are two ramps. The ramp's handrails at the main entrance jut into and narrow the width of the doorway. If someone's wheelchair is too large to get through this doorway (pictured above), there is a separate entrance that has a dangerous ramp without handrails, edge protection or level landing at the top (pictured left). It leads to a locked door without a monitor.





Due to scaffolding at PS 188 (Manhattan), the path to the entrance is too narrow for someone using a wheelchair according to the ADA Guidelines for Polling Places.



This entrance door at PS 20 (Queens) is heavy and there are no accessible handles. No door monitor was present outside to provide assistance.



At Masaryk Towers (Manhattan), the front door was left partially opened, obstructing the path from the ramp to the entrance for voters using wheelchairs.



In the evening at Riverbend Housing (Manhattan), the path to the entrance was an extremely dark, narrow alley with no signage to indicate whether the route led to the accessible entrance.



At the Taiwan Center (Queens), the slope leading to the entrance door is too steep (1:6), and does not have handrails or a level landing for someone using a wheelchair to safely maneuver through the doorway.



A voter at St. John Vianney Church in Flushing wrote to CIDNY, "Please tell them [BOE] it is not safe for a voter with a disability to walk through an active driveway and active parking lot to vote. It is important to vote, but it is hard to vote if you get hit by a car."