



## A Shift in Focus

By Brad Williams

With the recent attention to the Federal Court Order mandating an accessible Ballot Marking Device (BMD) at every polling place in New York State for Primary and Election Days 2008, it has necessitated a shift in focus to prepare these sites for the new voting technology.

After all, the US Department of Justice noted in its State of Mississippi opinion letter back in 2005, having an accessible voting system does little good if voters cannot enter the polling place to use it.

Therefore, when Judge Sharpe issued his one BMD per polling place court order, he in effect also put State on notice to comply with the Americans with Disabilities Act (ADA) polling place guidelines. For a complete and comprehensive checklist of these polling place access guidelines, visit the following link at the US Department of Justice website: <http://www.usdoj.gov/crt/ada/votingchecklist.htm>.

There is no definitive study that evaluates the accessibility or inaccessibility of the State's 7,000 polling places. It has been left to a hit or miss proposition. There are pockets of progress. Three upstate counties have accessible polling places. Delaware, Schoharie and Otsego - because of a lawsuit brought in Federal District Court by the Catskill Center for Independence and the NYS Attorney General's Office in 2000. Warren County took the proactive steps to make all of its polling places accessible in 2006 to coincide with the Plan B Federal Court Order. Other counties have and continue to make progress.

At the same time, trouble polling place sites still exist. NYSILC is working in cooperation with the New York State Board of Elections (NYSBOE) to actively remedy sites that were identified from complaints NYSILC received on Election Day 2007. The current list identifies 101 polling sites that were investigated. Some of the changes were relatively simple and required signage, while others were so involved that it required the moving of the polling sites. Overall, it is positive that two parties (NYSILC and NYSBOE), who were once engaged in litigation against each other over voting access issues, are now working together toward a common purpose. Yet, the reality is that full compliance with polling place access guidelines won't occur until there is a strong state law in place that allows

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citizens the opportunity to evaluate the progress and be able to assess when the job is complete. Fortunately, such a bill exists in the NYS Senate, S.6311, introduced and sponsored by Senator Larkin. It can be reviewed at the following link:

<http://public.leginfo.state.ny.us/bstfrmf.cgi>

The purpose of the bill is to update the state election law to be consistent with federal accessibility requirements, eliminate state polling place accessibility waiver language and include provisions to the election law to reduce confusion regarding polling places access requirements and increase the likelihood of substantial compliance.+

It also includes some of the following features:

1) Amends law to create a clear standard to make all polling places accessible to citizens with disabilities per the accessibility guidelines of the federal Americans with Disabilities Act (ADA) of 1990 and New York State Uniform Fire and Building Codes.

2) Repeals an outdated waiver process that was used to operate inaccessible polling places, which must be deleted because it is illegal.

3) Directs the State Board of Elections to publish a concise, non-technical guide to describe polling site accessibility standards and distribute them to all board of elections and local governments with the power to designate poll sites. The guide will be developed in consultation with appropriate stakeholders.

4) (The guide) Provides local boards of elections with a polling site access survey instrument and uniform procedures to be followed to hear and remedy polling site accessibility complaints. Assembly member Cahill introduced and sponsored a ~~same as~~ bill A.244 early in 2008. Cahill used to be the Chair of the Assembly Task Force on People with Disabilities and sponsored an early attempt at a polling place access bill for several years. In many ways, his earlier bill was ahead of its time.

Now, the current version is more comprehensive and better reflects the compliance needs of the State.

The American Association of People with Disabilities (AAPD) issued a report for each state based on 2000 voting trend information. For New York State, AAPD cited that 1,331,845 million voting-aged people with disabilities voted on Election Day 2000 out of a total of 3,304,827 million voting-aged New Yorkers with disabilities. While the 1.3 million who did vote was a modest turnout, it paled in comparison to the almost 2 million potential voters, who, for various reasons, did not turn out to exercise their fundamental right. How many of these two million disabled New Yorkers were disenfranchised due to barriers?

It is time to pass the Larkin/Cahill bills so that Governor Paterson can sign it into law and polling place access can become a reality in New York State ♦

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## Deaf, Hard of Hearing, Deaf Blind, Late Deaf, People with a Hearing Loss, Hearing Impaired

By Christina Curry

(Christina is the Executive Director of the Harlem Independent Living Center)

I was asked to write an article on the various issues within the Deaf community and the first thing I thought of was the many labels which people use to identify their place within this community. The commonality might be the inability to hear or hear well, but that does not mean everyone will agree as to what is most pressing.

So, if I forgot to mention something or I was not aware of a particular topic/issue, I offer my apologies. With that said and in no particular order, here are some of the issues which have been discussed at one time or another:

- The passage of bill S1923A which is an amendment of the mental hygiene law creating the state interagency council for services to those who are Deaf, Deaf blind or Hard of Hearing. The goal is to promote a comprehensive service system for the community and will be administered by the NYS Commission on Quality of Care and Advocacy to Persons with Disabilities (CQCAPD). This became a law as of July 3, 2007 and will become effective July 1, 2008.
- The National Association of the Deaf and the IRS have joined together to create 3 pilot videos in American Sign Language with an English transcript. This is the first time the IRS has released a public service announcement (psa) in this type of format. The video will focus on the Economic Stimulus Plan.
- Apple now provides captioning for iTunes as of 01/23/08.
- The National Park Service has stated all of their audio visual media will have open and not closed captioning.
- The approval for Text Alerts, which will be sent to cell phones in case of emergency, is the result of a 2006 Federal law requiring the FCC to develop ways to alert the public on emergency

situations and upgrade the emergency alert system.

- Phone users have the option of having closed captioning.

### Locally

- New York Lawyers for Public Interest and Alan Rich, esq. filed a brief on behalf of Mr. R. Loeffler vs. Staten Island Hospital for the continued non-compliance on not providing American Sign Language interpreters as requested (Filed in 2008).
- Local police precincts and police academies are working with a few ILCs to receive training to improve communication and interaction within the community.
- The Rev. A. Sharpton; National Action Network, provides a weekly forum to discuss the issue of police and negative interactions within the community.

### International

- There is an ongoing lobbying effort for better cell phone access in the UK.

Of course there is a lot more to discuss such as carbon monoxide detectors (are they really accessible??) Video Remote and Video Relay interpreting and how the Deaf Blind cannot use this service, as well as hospitals that rely on video remote/video relay and no longer provide live interpreters (at least not without a 30 day advance request). Additionally, the court system never seems to have an interpreter scheduled for an actual court date ♦



Photo: Gallaudet University

## Feeling the Power of Youth Involvement

By Stephanie Orlando

(Stephanie is the director of YOUTH POWER! . Families Together in NYS)

The youth voice is growing stronger in New York State (NYS) and the Independent Living Movement is helping to make that happen. Independent Living Centers are designing and implementing programs for young people transitioning to adulthood or who have an interest in leadership. The New York State Independent Living Council (NYSILC) has brought on a Youth representative and recently contracted with Families Together & YOUTH POWER! network to increase meaningful and authentic youth involvement in the NYS independent living movement. These are signs that a generation of young leaders is on the rise. New York & Network of youth with disabilities, YOUTH POWER! (YP!) began in the mental health system as young peers trying to make positive change in the Children & Mental Health System. Over the last 3 years, YP! made an extra effort to join together with cross-disabilities youth from around the country. This year it officially became funded as a cross-disability network that works towards

improving communities to ensure positive development opportunities for all youth and young people. Perhaps one of the most important functions of the YP! Network is to bring the voices of youth to local, state and national government officials through persistent advocacy. This year YP! developed a Youth Policy Agenda to further promote the issues NY youth with disabilities feel are important. To write the agenda, the Advisory Board surveyed youth across the state through various youth groups, child serving agencies and Independent Living Centers to see how they would rate the importance of specific issues. The board then created a 2008 agenda that was distributed in English and Spanish. The board & staff proceeded to meet with the Governor & Health and Human Services Office and the Commissioner of the Office of Mental Health to discuss the network and our policy agenda. As a network and a movement, YP! will continue to advocate for things that will positively affect the lives of young people. We will promote empowerment, hope, resiliency and ability. This month YP! is initiating its 2008 membership drive to bring on more young people and further diversify membership. Young people with disabilities are encouraged to join in the effort to say ~~w~~we are the voice of a new generation and there should be nothing about us without us.+

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