

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

**Submitted by:** disAbility Law Center of Virginia on behalf of the Virginia Office for Protection and Advocacy

**STATE:** Virginia    **FISCAL YEAR: 2013** (October 1, 2012 – September 30, 2013)

**FISCAL YEAR 2013 AWARD AMOUNT:**        \$74,668

<b>REPORT SUBMITTED BY:</b>	Robert Gray	Deputy Director for Compliance and QA
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**DATE SUBMITTED:**                                10/31/13

**Area 1**

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

**Goal/Activity for FY2013:**

<b>Description of activities performed and completed</b>	<p><b>For every child represented to receive special education transition services, obtain in the transition plan or planning process information and services designed to help the child understand and exercise his or her right to vote.</b></p> <p>VOPA represented four (4) children to ensure that they receive appropriate transition services under the Individuals with Disabilities Education Improvement Act (IDEIA). Each child and their parent(s) or guardian(s) received information regarding voting rights, and each client's school agreed to include voting rights information in his or her written transition plan.</p> <p>VOPA represented a client whose parent sought improvement of an inadequate Individualized Education Plan (IEP) to ensure that she received appropriate transition planning. VOPA requested that the local Department of Aging and Rehabilitation Services (DARS) counselor attend the IEP meeting and provide access to vocational services. VOPA advocated for appropriate services in Client's transition plan, including college preparation courses, benefits planning, and voting rights information in her IEP transition plan.</p> <p><b>Represent individuals who have encountered barriers to voting based upon their disability.</b></p> <p>VOPA assisted a client who was in the process of having a guardian appointed. VOPA successfully rebutted an adverse competency evaluation which had effectively stripped him of his right to vote. The client received a new competency evaluation in which his psychiatrist found that he was in fact competent to vote. The client retained his right and received self advocacy information and strategies for preserving his voting rights.</p>
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	<p>VOPA received a call from a parent who was the guardian of her adult son. He attends a day support program and recently attended a voting rights presentation. He applied to vote and was told he was ineligible. VOPA analyzed his guardianship order regarding the impact on the Client's right to vote, and provided advice on amending the order and self advocacy strategies for regaining the right to vote.</p> <p>An individual with an intellectual disability sought VOPA's assistance in modifying a guardianship order to restore his voting rights. Upon investigation, it was unclear whether there was in fact a guardianship in place. VOPA provided technical assistance regarding explain the difference between a guardianship and power of attorney, and explained the steps in removing a guardian or guardianship. The client agreed to gather more information and contact VOPA if he still needed services from us or was denied voter registration.</p>
<b>Number of individuals served</b>	Eight (8)
<b>Description and types of outreach and education</b>	<p>VOPA attended transition planning meetings with clients under the IDEIA to ensure that voting rights were addressed.</p> <p>VOPA disseminated information regarding its HAVA objectives on its website and at all public presentations on VOPA's FY13 Goals and Objectives.</p>
<b>Description of activities NOT completed and the barriers and/or reasons</b>	None
<b>Total amount of HAVA funding expended on activities in Area 1</b>	\$10,944
<b>Description of activities in Area 1 that displayed innovation which can be shared as "Best Practices" with other state P&amp;A's</b>	None

**Area 2**

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

***Goal/Activity for FY2013:***

<b>Description of activities performed and completed</b>	<b>Conduct a statewide campaign to inform consumers receiving services at day support programs and sheltered workshop facilities of their voting rights and assist individuals with voter registration as needed.</b>
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During the fall 2012 general election, VOPA staff participated in a campaign to provide voter rights information to consumers participating in day support or sheltered workshop programs throughout Virginia. VOPA selected twenty-one (21) community service board catchment areas to ensure statewide coverage. VOPA gave presentations or provided information on voting rights at forty-four (44) day support programs and twenty (20) sheltered workshop locations. This project was carried over to FY13 for completion. VOPA reached a total of one thousand three hundred ninety-five (1395) individuals with disabilities, distributed over one thousand six hundred (1600) voter registration and absentee ballot forms, and directly assisted sixty-one (61) individuals in completing voter registration forms or applications for absentee ballots.

**Train consumer or advocacy groups regarding voting accessibility and registration, and assist participants with voter registration as needed.**

VOPA provided a presentation and workshop on "Communication Access in the Healthcare Setting" at the Mary Washington Healthcare Center in Fredericksburg. There were twenty-two (22) persons in attendance, most of whom were deaf or hearing impaired. This was presented in collaboration with the Fredericksburg DisAbility Resource Center.

**Provide residents at each Department of Behavioral Health and Developmental Services (DBHDS) operated facility with information and their voting rights as requested.**

VOPA included voting rights information in its quarterly Rights Clinics at Catawba Hospital, Northern Virginia Mental Health Institute (NVMHI), Northern Virginia Training Center (NVTC) and Southwestern Virginia Mental Health Institute (SWVMHI), and offered attendees at those clinics assistance with voter registration materials. A VOPA attorney completed the Virginia State Board of Elections required training and received a certificate authorizing him to conduct Third Party Voter Registration Drives. He conducted four voter registration "drives" in the form of presentations providing general voting rights information to residents of Catawba Hospital and SWVMHI, with follow-up individual "clinical sessions" at which he assisted individuals who needed additional one-on-one assistance. The VOPA staff person assigned to SVMHI and SWVTC provided technical assistance and general voting rights information to selected individuals and staff at those facilities. Department of Behavioral Health and Developmental Services (DBHDS) facility staff cooperated with VOPA's effort on this project. VOPA trained or provided voter rights information to a total of one hundred thirty-seven (137) individuals. Individuals residing at DBHDS-operated facilities are, by definition, unserved or underserved.

**Train 15 groups regarding voting accessibility and registration; assist participants with registration as needed. (FY12 Carryover Objective).**

During FY12, VOPA selected the Shenandoah Valley and Southwest Virginia as an underserved region for voter rights education, and conducted trainings for five consumer or advocacy groups in Waynesboro, Staunton, Radford and Wytheville. VOPA conducted voter rights training for ten additional consumer or advocacy groups throughout the state. Altogether, VOPA reached a total of six hundred thirteen (613) consumers under this objective. This project was carried over to FY13 for completion, and VOPA provided voter rights training and information to thirty (30) staff from fifteen (15) assisted living and elder care facilities in the Charlottesville/Albemarle County area.

<b>Number of individuals served</b>	One thousand five hundred eighty-four (1584)
<b>Description and types of outreach and education</b>	VOPA conducted a statewide campaign to provide voter rights information to consumers receiving day support services or participating in sheltered workshop activities throughout Virginia. VOPA staff gave formal and informal presentations, distributed a fact sheet on "Voter Rights", and distributed Voter Registration forms.
<b>Description of activities NOT completed and the barriers and/or reasons</b>	None
<b>Total amount of HAVA funding expended on activities in Area 1</b>	\$76,614
<b>Description of activities in Area 1 that displayed innovation which can be shared as "Best Practices" with other state P&amp;A's</b>	None
<p><b><u>Area 3</u></b></p> <p>❖ Participate in advocacy and education efforts revolving around HAVA implementation efforts in Virginia.</p> <p><b><i>Goal/Activity for FY2013:</i></b></p>	
<b>Description of activities performed and completed</b>	Education of policy makers.
<b>Number of individuals served</b>	Possibly thousands of individuals across Virginia.
<b>Description and types of outreach and education</b>	Testimony in legislative committees. Meetings with policy makers.
<b>Description of activities NOT completed and the barriers and/or reasons</b>	n/a
<b>Total amount of HAVA funding expended on activities in Area 1</b>	\$9,000
<b>Description of activities in Area 1 that displayed innovation which can be shared as "Best Practices" with other state P&amp;A's</b>	During the 2013 session of the Virginia General Assembly, the legislature considered dozens of proposals that would have affected the rights of people with disabilities to be able to vote. The Virginia Office for Protection and Advocacy met with advocacy groups, legislators, elected officials and others to assist and educate about the impact these changes would have on Virginians

<p><b>Practices” with other state P&amp;A’s</b></p>	<p>with disabilities.</p> <p>The legislature considered many proposals that would make it easier for people with disabilities to vote absentee. Most of those proposals, unfortunately, did not succeed. However, one significant improvement to the absentee voting process for people with disabilities was accomplished. Previously, a person was required to disclose precise details about their disability in order to qualify for an absentee ballot, and that then became publically available information. A state senator requested VOPA’s assistance in helping to educate the legislature for the need to eliminate that requirement. VOPA testified in several hearings, worked with other advocacy groups, and met with individual legislators. The legislature removed that requirement from code and the Governor agreed.</p> <p>The legislature also considered many proposals that would make voting much more difficult for people with disabilities, including limitations on the kinds of assistance that can be provided, limitations on locations for voting, and requirements for specialized identification. VOPA provided members of the General Assembly with specific information regarding the negative impact on people with disabilities and most of the proposals were either withdrawn or defeated.</p> <p>The Virginia General Assembly did pass legislation requiring specific identification for voting, to take effect in 2014. VOPA is uncertain as to the impact this will have on individuals with disabilities. We designed a survey for the use with certain facilities for people with disabilities and are collecting information so as to be able to assist the legislature if necessary in 2014.</p>
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**Area 4**

- ❖ 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.

***Goal/Activity for FY2013:***

<p><b>Description of activities performed and completed</b></p>	<p>Not applicable</p>
<p><b>Number of individuals served</b></p>	<p>n/a</p>
<p><b>Description and types of outreach and education</b></p>	<p>n/a</p>
<p><b>Description of activities NOT completed and the barriers and/or reasons</b></p>	<p>n/a</p>
<p><b>Total amount of HAVA funding expended on activities in Area 1</b></p>	<p>none</p>
<p><b>Description of activities in Area 1 that displayed</b></p>	<p>n/a</p>

<b>innovation which can be shared as “Best Practices” with other state P&amp;A’s</b>	
<p><b><u>Area 5</u></b></p> <ul style="list-style-type: none"> <li>❖ To assist individuals with disabilities in filing complaints under 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><i>Goal/Activity for FY2013:</i></b></p>	
<b>Description of activities performed and completed</b>	Not applicable
<b>Number of individuals served</b>	n/a
<b>Description and types of outreach and education</b>	n/a
<b>Description of activities NOT completed and the barriers and/or reasons</b>	n/a
<b>Total amount of HAVA funding expended on activities in Area 1</b>	none
<b>Description of activities in Area 1 that displayed innovation which can be shared as “Best Practices” with other state P&amp;A’s</b>	n/a
<p><b><u>Area 6</u></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><i>Goal/Activity for FY2013:</i></b></p>	
<b>Description of activities performed and completed</b>	Not applicable
<b>Number of individuals served</b>	n/a
<b>Description and types of outreach and education</b>	n/a
<b>Description of activities NOT completed and the barriers and/or</b>	n/a

<b>reasons</b>	
<b>Total amount of HAVA funding expended on activities in Area 1</b>	none
<b>Description of activities in Area 1 that displayed innovation which can be shared as “Best Practices” with other state P&amp;A’s</b>	n/a
<p><b><u>Area 7</u></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 for FY2013:</b></p>	
<b>Description of activities performed and completed</b>	Not applicable
<b>Number of individuals served</b>	n/a
<b>Description and types of outreach and education</b>	n/a
<b>Description of activities NOT completed and the barriers and/or reasons</b>	n/a
<b>Total amount of HAVA funding expended on activities in Area 1</b>	none
<b>Description of activities in Area 1 that displayed innovation which can be shared as “Best Practices” with other state P&amp;A’s</b>	n/a
<p><b>Citizen feedback regarding the improvements and/or changes to ensure full participation in the electoral process</b></p> <p>During FY13, VOPA provided information to ninety-six (96) individuals who contacted the office with questions about voting. VOPA developed and implemented strategies for gathering public comment on the FY13 objectives, as well as the work of VOPA in general VOPA also solicited public comment through a public survey posted on our website. This survey ran from June 17, 2013 to August 6, 2013 and we received seventy-six (76) responses.</p>	

The dLCV Governing Board may receive public comment at meetings at their discretion. In addition, the Governing Board develops and implements a detailed public comment process based on planning cycle and staff recommendations; these decisions are reflected in the Board's meeting minutes, which will also be posted on the dLCV website.

All dLCV 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 dLCV's goals and focus areas. The VOPA advisory councils also participated in focus group activities with VOPA staff and provided input on the proposed objectives, including those related to HAVA.

VOPA provided these HAVA advocacy services this fiscal year as it prepared for transition to become the disAbility Law Center of Virginia (dLCV.) The decision to transition our office from a state agency to a non-profit was initiated by Virginia's General Assembly in 2012. We are following the trend of most protection and advocacy systems across the United States to remove ourselves from state government to allow for greater independence to provide zealous advocacy services for Virginians with disabilities. VOPA's Governing Board, the Governor of Virginia and the general public fully supported and endorsed this decision as well. VOPA successfully transitioned and became dLCV on October 1, 2013. dLCV is now designated as Virginia's Protection and Advocacy System, therefore dLCV is submitting this annual report on behalf of VOPA.

**Funding carried over from previous fiscal years – \$95,296**

**Explanation of spending trend (*use of funds and/or lack of funds used, particularly any funds sent back to treasury*)**

In addition to funding our voting rights advocacy, HAVA funds are also used to cover other HAVA related administrative costs such as equipment, printing, and staff time necessary for office operations.