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Advocates for disabled say law may delay voting access

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TALLAHASSEE · With hopes of securing federal reimbursement of millions of dollars in state and local spending on new voting machines, legislators are considering changes to year-old state laws adopted in the wake of the 2000 presidential election.

But disability rights advocates fear that adopting the federal laws could weaken state requirements to make polling places more accessible to disabled voters and are urging lawmakers to make sure that language adopted by the Legislature last year does not disappear with new legislation.

Whether they request federal reimbursement or not, states must comply with the federal Help America Vote Act, passed by Congress and signed by President Bush in October. The federal law was prompted by widespread problems with the 2000 presidential election in Florida, as well as by major glitches in Broward and Miami-Dade counties in the September 2002 primary.

To protect against voter fraud, the new federal voting laws require a computerized statewide voter database to be connected with databases for state driver's licenses and for the Florida Department of Law Enforcement. It also says elections officials must keep paper records of electronic votes for use in recounts and must create a uniform standard for legal votes.

Once states adopt the changes stipulated in the voter act, they can apply for a share of more than \$3.6 billion over the next three years to pay for upgrades to electronic voting machines and other changes. Florida stands to get at least \$90 million.

"It's must-pass [bill] if you want that money," said Kurt Browning, elections supervisor for Pasco County and the legislative committee chair for the Florida State Association of Supervisors of Elections. "And we have to comply. ... The federal government has said, 'This is what you have to do.'"

Some advocates for people with disabilities say the voting act doesn't have the same accessibility requirements as Florida. The state requires all polling places to comply with federal accessibility standards, while federal law calls for improving access. Both laws require at least one audio voting machine in each polling place for visually impaired voters.

The federal law would push back until 2006 mandates to have disabled-accessible polling places. Advocates wanted the state to have these standards in place by next year.

"We must not go into the 2004 presidential election without requirements that all voting machines are accessible," said Richard La Belle, an attorney from Dunedin who is an advocate for rights for the disabled. "One per precinct. That's all that's required."

The state laws passed last year say accessibility requirements must be met a year after the Legislature sets aside money for them.

The state's elections supervisors are preparing surveys of polling places to assess accessibility for disabled voters. They must report their findings by September to the state Division of Elections.

Browning said that several of Florida's 67 counties will be ready by the 2004 elections, but that some counties might have more difficulty complying, even if the money is appropriated by next year.

Many of those federal requirements must be enacted by 2004, though some, such as the database and accessibility for disabled voters, have a 2006 deadline.

The touch-screen voting machines used in Broward, Palm Beach and Miami-Dade counties are considered accessible to disabled voters because those machines have audio capabilities and magnifying glasses for visually impaired voters.

Palm Beach County Elections Supervisor Theresa LePore said she expects the county to have accessible polling places in 2004. Ken Leb, interim deputy elections supervisor for Broward County, said the county would craft plans to make polling places more accessible after it completes its survey.

Access for disabled voters isn't the only concern with the state's election laws. A Miami-Dade election reform group said the state needs to change its laws to create a paper trail for use in manual vote recounts. Federal laws, but not Florida laws, call for such a paper trail.

LePore said the machines used in Palm Beach County could print an image of the ballot for use in manual recounts.

"It's close, but not close enough," said Sandy Wayland, co-chairman of the legislative committee for the Miami-Dade Election Reform Coalition. "What if we don't comply with [the voter act]? Are you going to do a glitch bill next year when it's too late?"

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