

**ATTORNEY GENERAL STATE OF NEW YORK
CIVIL RIGHTS BUREAU**

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In the matter of:

ALLEGANY COUNTY BOARD OF ELECTIONS

**MEMORANDUM OF
AGREEMENT (MOA)
CONCERNING POLLING
PLACE ACCESSIBILITY**

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WHEREAS, the County of Allegany, New York has a voting age population of approximately 38,395, of whom approximately 4,606 (or 12.0%) are individuals with vision impairments and/or ambulatory disabilities;

WHEREAS, for voters with vision impairments and/or ambulatory disabilities, the lack of accessible polling sites can be a barrier to exercising the right to vote;

WHEREAS, Title II of the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act, the Voting Accessibility for the Elderly and Handicapped Act of 1984 require that officials responsible for conducting elections ensure that polling sites are accessible for persons with disabilities;

WHEREAS, the 2010 Poll Site Access Bill amended Section 4-101 of the New York State Election Law to require that “[e]ach polling site shall be accessible to citizens with disabilities and comply with the accessibility guidelines of the Americans with Disabilities Act of 1990” and that each “county board of elections shall cause an access survey to be conducted for every polling site to verify substantial compliance” with these accessibility standards;

WHEREAS, the Allegany County Board of Elections retained Directions in Independent Living, Inc. to survey the accessibility of designated polling sites in September and October 2012 and identified a number of sites that did not provide meaningful access pursuant to the federal and state laws identified above;

WHEREAS, the Allegany County Board of Elections (BOE) recognizes the importance of ensuring that voters with disabilities are afforded meaningful access to the electoral process; and

WHEREAS, the purpose of this MOA is to memorialize the BOE’s cooperation with the New York State Attorney General's Office (OAG), and commitment to establishing and maintaining effective policies, procedures and training protocols to ensure that voters with vision impairments and/or ambulatory disabilities are provided meaningful access to the voting process on Election Day.

NOW, THEREFORE, the Allegany County BOE and OAG agree as follows:

STANDARDS OF PRACTICE

Designation and/or Modification of Covered Polling Sites

1. On or before November 16, 2012, the Allegany County BOE issued correspondence to all local municipalities or entities in which polling sites had been designated for the 2012 General Election (hereinafter “covered polling sites”¹) to determine whether any remedial measures were taken to make covered polling sites accessible to and usable by persons with disabilities prior to the 2012 General Election. The Allegany BOE asked that the respondents provide information about any remedial plans by December 15, 2012.
2. For those respondents that provided no response or for those respondents that indicated no plan had been created by the December 15, 2012 deadline, the Allegany BOE shall work with the relevant local entity to identify appropriate steps that shall be taken to ensure that covered polling sites are accessible for any elections conducted in 2013.
3. The BOE shall communicate its findings per the requirements set forth in Paragraphs 1 and 2 above to the OAG no later than February 13, 2013.
4. If the BOE concludes that a covered polling site cannot be rendered accessible through the use of temporary devices or that actions necessary to render a polling site accessible would result in undue financial and administrative burdens, it shall provide to the OAG by February 13, 2013, the basis for its conclusion, and the names and locations of, and accessibility surveys associated with, potential alternative polling sites. If the BOE concludes that relocation of an inaccessible polling site is not feasible, it will provide the reasons for this conclusion and identify any next steps, including plans for designating an alternative accessible polling site.
5. Pursuant to federal and New York State law, the Allegany County BOE shall work with municipalities and other local entities in which polling sites are located to ensure that polling site equipment required to be provided by the BOE to make polling sites temporarily accessible to and usable by persons with disabilities, are maintained in operable working condition for any election conducted in 2013.
6. The BOE shall take reasonable steps to ensure that, on or before May 1 2013, municipalities and relevant local entities have begun implementation of any plans or steps identified for rendering a covered polling site accessible.
7. If, after February 13, 2013, the BOE determines that the location of a covered polling site needs to be changed or that a modification to a polling site needs to be

¹ A list of the covered polling sites is provided in Attachment A.

made that could effect the site's accessibility, the BOE shall provide the name and location of, and accessibility survey associated with, the potential alternate or modified polling site to the OAG.

Public Notice

8. In cases where an accessible entrance may not be readily identifiable upon arrival at the polling place facility, the BOE shall identify the accessible entrance in the annual notification for those voters assigned to that polling place facility or issue a separate mailing identifying the accessible entrance. Whether such specific identification is necessary shall be determined by the OAG in consultation with the Allegany BOE on a case-by-case basis.
9. Through its website and through its annual notification mailing or other separate mailings, the BOE shall inform voters about the designation of an On-Site Accessibility Coordinator for receipt of any complaints or concerns regarding accessibility of the polling site during elections.

Election Day On-Site Accessibility Coordinator and Training

10. For each election conducted after January 1, 2013 through December 31, 2017, the Allegany County BOE shall designate no less than one of the existing Election Inspectors at each polling site in the County as the On-Site Accessibility Coordinator for the day of the election.
11. Prior to the day of the election, the Allegany County BOE shall train all Election Inspectors, including the On-Site Accessibility Coordinator, about polling site accessibility requirements and shall provide a polling site accessibility checklist and complaint form to be used by the Coordinator on the day of the election. The OAG shall work with the BOE to develop and generate the training materials, checklist, and complaint form.
12. At least two weeks prior to each election, the Allegany County BOE shall identify, in writing, to each Coordinator a description of any temporary modifications that are necessary to render their assigned polling site accessible on the day of an election.
13. As part of their Election Day duties, the Coordinators shall periodically assess the accessibility of their polling site. As part of their Election Day Report, the Coordinators shall include a description of any and all issues concerning accessibility that arose and remedies implemented.
14. The Coordinators shall be responsible for receiving, reviewing, and responding to any complaints about accessibility made at the polling site on the day of any election. If the Coordinators learn of any barriers during their assessment or through a complaint, they shall take immediate action to remedy said barriers with

the cooperation of the Election Inspectors and contact the County Board of Elections, as may be necessary.

15. Nothing in Paragraphs 10 through 14 shall be interpreted to require the Allegany County BOE to hire any additional staff for any of the polling sites in the County.
16. Within 30 days of any election or as soon as otherwise practicable, the Allegany County BOE shall deliver or make available to the OAG, Attention of Assistant Attorney General Anjana Samant, copies of Coordinator surveys and reports, and complaints about accessibility, along with any other material the BOE deems relevant.

DOCUMENTATION

17. The BOE shall conduct accessibility surveys of all proposed polling sites each year in which an election is held and provide copies of the completed surveys to the OAG within thirty days of completion. No less than once a year, the BOE shall convene with or make reports to the OAG, telephonically or in-person, regarding the success of its overall polling place accessibility program.

IT IS FURTHER UNDERSTOOD AND AGREED THAT the acceptance of this MOA does not constitute an admission of wrongdoing on the part of the BOE, or any violation of any laws, regulations or administrative pronouncements applicable to the BOE;

AND IT IS FURTHER UNDERSTOOD AND AGREED THAT no person or entity is intended to be a third-party beneficiary of the provisions of this MOA for purposes of any civil, criminal, or administrative action. Nor shall any person or entity be permitted to assert any claim or right as a beneficiary or protected class under this MOA. Nothing contained in this MOA shall be construed to deprive any person, corporation, association, agency, or other entity of any right provided by law, regulation or administrative pronouncement;

AND IT IS FURTHER UNDERSTOOD AND AGREED THAT this MOA is a public document. Upon request, a copy of this document or any information contained in it shall be made available to any person by the BOE or the Office of the Attorney General;

AND IT IS FURTHER UNDERSTOOD AND AGREED THAT this MOA sets forth the entire agreement of the parties and may be modified only by the subsequent execution of a written agreement by its parties;

WHEREFORE, the following signatures are affixed hereto:

ALLEGANY COUNTY BOARD OF ELECTIONS

**ERIC T. SCHNEIDERMAN
ATTORNEY GENERAL OF THE
STATE OF NEW YORK**

By: 
Richard G. Hollis
Co-Commissioner of Elections
Allegany County Board of
Elections

Date: 1/7/2013

By: 
Kristen Clarke
Civil Rights Bureau Chief
120 Broadway, 23rd Floor
New York, New York 10271

Anjana Samant
Assistant Attorney General
Civil Rights Bureau

Date: 1/10/13

By: 
Michael McCormick
Co-Commissioner of Elections
Allegany County Board of
Elections

Date: 1/7/2013

ATTACHMENT A



Allegany County Polling Places

District	Location	Address
Alfred 1	A&E Crandall Hook & Ladder Co.	6 Main St. Alfred (Village)
Alfred 2	Town Highway Truck Bay	6430 Shaw Rd. Alfred Station
Allen	Town Hall	4949 Klein Rd. Allen
Alma	Town Hall	5838 Allen St. Allentown
Almond	Community Building	1 Marvin Lane, Almond
Amity	Town Hall, Horn Room	1 Schuyler St. Belmont
Andover	Town Hall	22 E Greenwood St. Andover
Angelica	Grange hall	55 Park Circle Angelica
Belfast	Community Building	13 Merton Ave Belfast
Birdsall	Town Hall	9423 County Rd 15B Birdsall
Bolivar	Fire Hall	460 Main St. Bolivar
Burns	Village Hall	10 Main St. Canaseraga
Caneadea 1	Caneadea Town Hall	8911 State Rte 19 Caneadea
Caneadea 2	Houghton Fire Hall	State Rte 19 Houghton
Centerville	Fire Hall	8936 County Rd 3 Centerville
Clarksville	Town Hall	2980 School St. W Clarksville
Cuba 1	Cuba Grange Hall	116 E Main St Cuba
Cuba 2	Cuba Grange Hall	116 E Main St Cuba
Friendship	Town Hall	4 East Main St. Friendship
Genesee	Town Hall	8926 State Rte 417 Little Genesee
Granger	Fire Hall	10300 County Rd 15 Short Tract
Grove	Town Highway Maintenance Bldg	2340 County Rd 24 Swain
Hume	Fire Hall	20 S Genesee St Fillmore
Independence	Town Hall	887 Marietta Ave Whitesville
New Hudson	Town Hall	8561 County Rd 41 Black Creek
Rushford	Town Hall	8999 Main St. Rushford
Scio	Town Hall/Fire Hall	4355 County Rd 10 Scio
Ward	Town Hall	4414 County Rd 10 Ward
Wellsville 1	Wellsville Volunteer Fire Dept	40 S Main St. Welsville NY
Wellsville 2	Wellsville Volunteer Fire Dept	40 S Main St. Welsville NY
Wellsville 3	Wellsville Volunteer Fire Dept	40 S Main St. Welsville NY
West Almond	Town Hall	2769 County Rd 2 West Almond
Willing	Town Building	1431 State Rte 19S Wellsville
Wirt	Richburg Fireman & Aux. Club	143 Griffin St. Richburg