

## **HISTORY AND NEED FOR TECHNICAL FIX IN PAVA PROGRAM**

### **HISTORY OF PROTECTION AND ADVOCACY FOR VOTING ACCESS (PAVA)**

In 2002, Congress passed the Help America Vote Act (HAVA). The law acknowledges the unique obstacles people with disabilities face at the polls, and authorizes funding for the Protection and Advocacy for Voting Access (PAVA) program. This program advocates for voters with disabilities to have access to all aspects of the American voting process. PAVA is administered by the United States Department of Health and Human Services, Administration on Disabilities (AoD) in the Administration on Community Living (ACL).

PAVA funding is currently awarded to eligible Protection and Advocacy (P&A) Systems across the country. P&As are congressionally mandated, legally based disability rights agencies that work to protect individuals with disabilities by empowering them and advocating on their behalf. There are a total of 57 P&As located in all 50 states, the District of Columbia, Puerto Rico, the U.S. territories (U.S. Virgin Islands, Guam, the Northern Marianas Islands (CNMI) and American Samoa) and there is an American Indian Consortium serving Native Americans with disabilities in the Four Corners region as well.

As a result of an interpretation of the 2002 HAVA law, only 55 out of the 57 P&As are currently eligible for PAVA funding as CNMI and the American Indian Consortium do not receive this funding, because they are not considered “states”.

Every year, ACL releases appropriations distributions provided to each P&A under the various P&A programs. ACL’s [list of the P&As who received FY2019 HAVA funding](#) does not include CNMI and the American Indian Consortium, while ACL lists all 57 P&As as receiving [FY2019 Protection and Advocacy for Assistive Technology \(PAAT\) funding](#). This indicates that the American Indian Consortium and CNMI are excluded from receiving PAVA funds.

### **USE OF PAVA FUNDS**

Under Section 291 of HAVA it states that P&As can use the funds to “ensure full participation in the electoral process for individuals with disabilities” (*HAVA, 2002*). Examples of work PAVA funds support include, but are not limited to, providing disability training to poll workers, distributing resources on how to conduct an accessible campaign, maintaining voting hotlines, and examining polling places for accessibility.

## **AMERICAN INDIAN CONSORTIUM PROTECTION AND ADVOCACY SYSTEM**

The American Indian Consortium P&A's public name is the [Native American Disability Law Center](#) (Law Center) and it is located in Farmington, New Mexico. The Law Center serves all Native Americans with disabilities living anywhere in the Four Corners area of New Mexico, Utah, Arizona and Colorado (a map of the areas the Law Center serves can be found [here](#)). Like other P&As, the issues the Law Center addresses includes civil rights, education, health care, and access to public and private services.

Although the Law Center does not currently receive PAVA funding, the Law Center used their other grants in 2013 to publish a report entitled [The Fundamental Principal of a Participatory Democracy](#). This report examines polling place accessibility and the barriers voters with disabilities face at the polls. In collaboration with the Navajo Nation Advisory Council on Disabilities, the Law Center surveyed the accessibility of 25 polling sites in five major communities across the Navajo Nation that host tribal, state, county and federal elections. This report not only showcased the need for the Law Center to receive PAVA funding, but also showcases what the American Indian Consortium can do with the appropriate funds.

## **PAVA FUNDING FOR ALL 57 PROTECTION AND ADVOCACY SYSTEMS**

When HAVA was passed in 2002, it was the intent for all 57 P&As to participate in the PAVA program, but since Section 291 of the Act states "of each state" the American Indian Consortium and CNMI have not received funding. Congress needs to pass new legislation that would provide a long overdue technical fix to HAVA, explicitly authorizing the distribution of grant funds to both the American Indian Consortium and CNMI P&As for FY2020 and future appropriations moving forward. The American Indian Consortium and the CNMI P&As would receive a minimum of \$35,000 a year to do voter access work just like the other US territories, while each state will continue to receive a minimum of \$70,000 a year in PAVA grant funds.