



State of Tennessee
Department of State
Division of Elections
312 Eighth Avenue North
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Nashville, Tennessee 37243
Phone: (615) 741-7956 Fax: (615) 741-1278

November 30, 2006

Rita Michelle Fournier
727 Hartsville Pike
Lebanon, Tennessee 37087

RE: TITLE III HAVA COMPLAINT

Ms. Fournier,

Our office received your Title III HAVA Complaint on November 7, 2006. On November 16, 2006, Carr Harr, the HAVA (Help America Vote Act) Elections Attorney for this office, visited the East Market Street Community Center precinct. Joyce Pursak, with the Disability Law & Advocacy Center of Tennessee, accompanied her to the site.

According to Section 402 of Title IV of the Help America Vote Act (hereinafter HAVA), each state must establish a state-based administrative complaint procedure. Pursuant to that section, the Coordinator of Elections or designee must determine if a violation of Title III has occurred. A violation of Title III includes the following categories:

- voting systems standards
- provisional voting
- voter information requirements
- computerized statewide voter registration list
- accessibility for individuals with disabilities

Your complaint addresses two issues. First is the accessibility of the East Market Street Community Center precinct. Second is the comment made by the election official regarding Constitutional Amendment #1. The first issue does fall within one of the Title III categories and will be addressed below. The second issue does not fall within one of the Title III categories. According to the complaint procedure, if no violation of Title III is

found the complaint must be dismissed. Therefore, this complaint will be dismissed as it relates to the Constitutional Amendment #1 issue. That issue will be treated as a general complaint. A written response to the general complaint will be mailed to you within the next fourteen (14) days.

As to the Title III violation complaint, Cara Harr and Joyce Pursak visited the precinct site, along with Lynn Harris, administrator in Wilson County. Ms. Harr determined that the pitch on both the front ramp and back ramp had a greater than 1:8 slope and therefore were not accessible. This constitutes a violation of Title III of the Help America Vote Act in that the polling location was not accessible to individuals with disabilities.

In order to remedy this violation, the following actions were taken. All entrances to the building were reevaluated. An entrance was found at the back of the building that was not used in prior elections. Measurements were taken of the door, the entrance area and the pathway to the voting area. The entrance and pathway to the voting area were found to be accessible and a shorter distance to the voting area. Ms. Harris was advised that this entrance would need to be used in all future elections. On election day, temporary accessible parking will be moved closer to the entrance and marked with a temporary parking sign and orange pylons, accessible door hardware will be placed on the door handles and the accessible entrance will be marked with temporary accessible entrance signs so that voters are aware of the alternate entrance.

Counties were required to complete accessibility surveys on all polling locations prior to the 2006 election year and our office has been working with the counties to make all polling locations accessible to individuals with disabilities. Our office appreciates you alerting us to this issue. The above changes will allow individuals to enter the building free from any barriers and should remedy the situation.

If you have any questions, please contact our office.

Sincerely,

Brook K. Thompson
Coordinator of Elections

Cc: Lynn Harris, Wilson County Election Commission