

# HAVAcess

The election reform resource to help you address polling place access



## [2007 Inclusion Solutions Access Catalog](#)

HAVAcess is [Inclusion Solutions'](#) free newsletter to help election officials implement the disability access provisions of the Help America Vote Act. Please call 1-866-232-5487 to discuss accessibility in your jurisdiction (and it's not too late to order for November).

### Back to Back Elections

With November elections coming up and 2008 presidential primaries moved up in many states, the next few months will be very busy. This issue talks about some of the accessibility implications of these changes, revisits the issue of accessible parking, and includes a special "From my Perspective" from Gail Pellerin -- a county clerk who has faced many challenges in this area.

Both advocates and states are providing more information than ever on accessibility of voting. New York's Catskill Center for Independence, long a leader, has published the most recent issue of their newsletter, now available online. [HAVA Quarterly](#).

And the State of New Jersey Department of the Public Advocate, on September 27th, issued [a report outlining the status of accessibility at polling places throughout New Jersey](#).

**2008 Funding**, The President's budget proposes \$16 million for Section 261 of Help America Vote Act funding through 2008. With a presidential election year coming up and constantly evolving standards, never has it been more important than now to keep funding for access improvements and protection and advocacy agencies at current levels.

### Selected State Grant HAVA EAID Grant Materials Available Online

Michigan: [Voting Access for Individuals With Disabilities: Polling Place Improvement Grant Program](#)

Minnesota:

[Election Assistance For Individuals With Disabilities Grant Program Information](#)

Vermont: [Request for Proposals: Voting Access for Individuals with Disabilities \(VOTE\)](#)

### Other Developments on Access:

California: [Santa Cruz, Kern Agree To Improve Poll Site Disability Access](#)

New York: [Poll Site Access for the Disabled \(August 2007\)](#); [Polls being checked for handicap access](#); [Voting machine aids those with disabilities](#); [Critics slam plan for disabled voting equipment](#)

Connecticut: [The future is here: optical scan voting machines on display at Senior Center](#)

Ohio: [State gets aid to improve polls for disabled voters](#)

Missouri: [Ballot machines cater to disabled voters](#)

New Hampshire: [New system to aid disabled voters](#)

Massachusetts: [New voting machines reach out to disabled](#)

Pennsylvania: [Disabled cast vote for change](#)

## Contents

[From My Perspective  
Parking Lots and Access  
New Standards and 2008 Elections:  
Impact on Access](#)

## From My Perspective...

by Gail Pellerin

*Gail Pellerin is the County Clerk in Santa Cruz County California. Perhaps no election official nationally has worked harder on this issue than Gail. She is a frequent speaker on the issue and has spearheaded nationally-leading efforts despite facing constant litigation in the area.*

The road to improve the accessibility of polling sites in Santa Cruz County has been bumpy, but we are now clearly on the road to success.

Information was first brought to Santa Cruz County election officials by the State Attorney General's Office in 2003. The Attorney General alleged that a number of facilities used as polling sites in our county did not comply with the technical requirements of the American with Disabilities Act (ADA) as well as the provisions of California's Building Code Title 24, which in some cases is more restrictive than ADA.

At the time, our accessible voting program included ballot delivery to persons who could not access their polling site, curbside voting on Election Day, voting by mail, weekend voting, early voting at two locations during the 29 days before the election, as well as voter outreach to convalescent and residential care facilities in the county where voters could receive individual assistance from election officials in the comfort of their living

Check out the [2007 Catalog](#) with great new solutions and our free [access surveys analysis program](#).

## **Parking Revisited Part II: Unpaved Lots, Striping, and More**

As discussed in the last issue, parking at polling places remains the single biggest barrier to accessibility and solutions to this are crucial to any [analysis of polling locations](#). This article will follow up on the previous discussion and talk about other barriers such as unpaved lots.

### *Temporary Parking Signs Revisited*

While many election officials use temporary parking signs to address parking lot accessibility, last issue discussed how federal guidelines and the U.S. Department of Justice [ADA Checklist for Polling Places](#) don't set an established height or wording for temporary signage. Thus a common question from officials is how high must such signs be and what wording is required.

Under federal guidelines, there is no set height for temporary parking signage – merely it must be visible over the hood of a vehicle. Thus counties and election officials who have purchased temporary signage in the past of varying sizes are still compliant under these standards.

However, officials must also be careful about differing state standards that may affect their parking accessibility. California's accessibility code varies in several ways in many areas from ADA regulations. And Ohio Revised Code 4511.69 requires spaces be marked by the "posting of an elevated sign ...mounted on a fixed or movable post, and the distance from the ground to the top edge of the sign shall measure five feet." Recent interpretations of this statute suggest that even temporary parking signs in that state be 60 inches to the top with state-specific language. Thus it is imperative that officials know their state regulations as well.

### *Unpaved Lots*

Another issue that is crucial to accessibility is whether or not a parking lot is paved. Unpaved lots of grass, gravel, sand or mud can be a major impediment to voters who use wheelchairs or other assistive devices. Permanently paving parking lots can sometimes solve this issue but does not work in every situation. It can be prohibitively expensive and is not an option at locations such as churches and other private facilities. In one state, an election board attempted to use HAVA accessibility funds to pave an entire large beach parking lot (including just a small handful of accessible spots). State officials noticed the discrepancy and pointed out that the funding could only be used to pave a reasonable number of spaces to create accessibility, such as a small paved accessible area.

There are other solutions to unpaved lots. In many cases, the lot itself may not be paved, but there may be an adjacent paved sidewalk, path of travel, or small landing at the door. Astute election officials can set up temporary parking next to these paved

environment. In addition, we searched for polling places that were high-use facilities that had ramps, ample parking and lighting. And we quickly learned that just because there's a ramp and a parking place sporting the universal sign for accessibility that does not mean the facility meets the requirements of ADA and Title 24.

To improve our accessible polling facilities program we needed several items: an effective survey with clear questions and correct standards; the right survey tools (a digital level, door pressure gauge, measuring tape, etc.); people who were trained on how to use the tools and the survey; a greater understanding of ADA and Title 24; compliant mitigation measures (such as ramps, thresholds, cones); money to purchase mitigation measures; a Voting Accessibility Advisory Committee to provide advice and guidance to ensure voters with specific needs have equal access to voting; and finally documentation that we were doing everything possible to ensure that we were using the most accessible and usable polling facility available to serve voters in a given precinct.

We immediately began to implement these changes and develop an Access Compliance Plan to direct the work that needed to be done. In spite of our efforts, the Attorney General filed a lawsuit in 2005 against Santa Cruz and Kern counties, thereby leaving the other 56 counties with concerns that they could be next. In 2006, after California elected a new Attorney General, a Settlement Agreement was reached in Santa Cruz County that recognized the work we were already doing or planning to do to improve polling place access, and created a framework for assessing the accomplishment of accessibility goals. Kern County reached a similar agreement this month.

Fortunately, with federal Help America Vote Act funds we were able to fund many of the one-time costs such as purchasing mitigation measures and survey tools. However, to sustain the program over the years, county funds will need to be used unless additional HAVA funds are appropriated for accessibility purposes.

In addition, we have greatly benefited from working with an Access Compliance Specialist for several years now. As a result, we have developed a comprehensive survey to use when determining the accessibility of a polling facility

areas such that the paved portion becomes the access aisle. Note that the parking space does not need to be paved. Instead it is the adjacent access aisle that must be accessible so that the voter can unload and proceed on an accessible path of travel to the polling location.

Finally, temporary matting can solve unpaved lots. This matting is placed down, used to create access, and then picked up after election day. There are several options for matting such as soft, mesh matting, hard mats, or snap-together matting. But it is important that election officials determine the correct matting type for their location.

- Soft matting is optimal for sand, grass, or muddy areas as it stakes into the ground. It is lightweight and easy to set up but is relatively expensive.
- Hard matting is more cost-effective and works best on gravel or areas with small holes. But it is heavy and more difficult to deliver.
- Snap-together matting is the most affordable solution and is excellent for unpaved paths of travel with pedestrian (including wheelchair) traffic. But it is not durable enough to withstand vehicular traffic.

Pages 4-5 of the [Inclusion Solutions Catalog](#) shows different matting options for unpaved lots as well as a more detailed comparison.

### **New Standards and 2008 Elections: Impact on Access**

Several new and proposed developments since 2004 (and even 2006) have changed the landscape of elections as we know them with modifications such as the requirement of a Voter Verified Paper Audit Trail (VPAT) and the moving of primaries to earlier dates. But one cannot overlook how these changes also impact polling place accessibility.

#### Earlier Primaries

Many states have rushed to move up their primaries to have more of a say in the electoral process. But these accelerated dates also impact accessibility.

While earlier primaries may make it more difficult for jurisdictions to implement accessibility changes, the bigger concern is that the earlier primary dates greatly increase the possibility of inclement weather. Consider the case of Michigan. On August 31, 2007 Michigan Gov. Jennifer Granholm (D) signed a bill setting the state's presidential primary on January 15, 2008. Michigan weather in February is much more unpredictable than in May. Inclement weather may create snow and other barriers on an accessible path of travel. And colder weather also makes certain accessibility plans such as leaving open an inaccessible or heavy door impractical. And curbside voting outside in the winter in many Northern states becomes less appealing. [With up to 20 states possibly moving primaries](#) the possibility of weather-related accessibility challenges becomes real.

#### Paper Trail

Many states now require or are in discussions to require a voter verified paper audit trail on their voting machines. This article will leave arguments on the positives and negatives of such a requirement to the experts. But the impact of this requirement – [now in place in 36 states according to Electionline.org](#)-- on accessibility cannot be overlooked.

Proponents argue that of a paper trail aids in the verifiability of a voter's choices. But to a voter with a disability, it raises more questions than answers. How, for example, can a paper receipt (whether displayed in the machine or externally) be visible to a voter who is blind? Indeed, the very privacy that voters with disabilities have fought so hard for may be diminished considerably if the paper trail is not also accessible. And what of a voter's personal assistant who may be nearby when the vote is cast. While a voter using an audio ballot can vote in privacy, the paper receipt might unknowingly compromise that voter's privacy. And at minimum, voters with limited vision are not being provided

along with an Access Compliance Plan to assist us in maintaining an accessible voting program. Moreover, we are continuing to work with the Secretary of State in California to take what we've learned and developed in Santa Cruz County and develop a statewide effort so voters in all counties will benefit from more accessible polling sites. It's a road worth traveling.

[California AG Release on Santa Cruz and Kern Settlements](#)

[County to pony up about \\$230,000 to improve disabled access at polls](#)

[2005 Santa Cruz County Polling Place Access Plan](#)

### **Inclusion Solutions: There is No Substitute**

[Inclusion Solutions](#) has now worked with officials in 49 states and multiple territories -- it has been a privilege to work with election officials nationwide and it has been our pleasure to work "hands on" with all of your offices. If you have questions you need or additional access funding available, call us to talk through more innovations.

But we did want to talk through an issue that occasionally comes up. In some cases, counties have passed off accessibility purchases to procurement departments and led to questionable results. At least one other vendor is selling, for example, a 12 foot ramp without handrails in violation of ADA regulations. [The HAVA Quarterly](#), published by the Catskill Center for Independence discusses this problem. In another instance, several counties in a state purchased an alternative (but not comparable) matting product for unpaved lots from another vendor. A voter slipped on this inferior product and injured herself.

Simply put there is no substitute for working with Inclusion Solutions on your accessibility initiatives. Our products are all best of class and meet federal standards, we will review your accessibility surveys or photographs at no charge, we will stand behind our products and our work, and are always happy to work with advocates or other individuals with disabilities in your community. Other vendors who may be experienced in elections can't provide these services. Inclusion Solutions stands alone on election

with the same ability to verify their ballot as other voters.

Another concern with a paper trail is the hardware that the requirements create. A 10 or 15 lb DRE voting machine may require a 50 lb printer to print the VVPAT. In many states curbside voting is provided as an alternative to accessible voting. While the original DRE may have been portable, with the printer it may not be, eliminating another option for voters with disabilities.

#### Additional Legislation and HR 811

Proposed federal legislation also could greatly impact access in terms of a national paper trail standard and other changes. [HR 811](#), the "Voter Confidence and Increased Accessibility Act of 2007" also known as the "Holt Bill" looms. Despite the name, it is possible that the legislation might actually negatively impact accessibility as currently written. The legislation would require VVPAT's nationwide – something that would not be an improvement to accessibility unless the issues discussed above are resolved.

HR 811 does set forth provisions for "CLARIFICATION OF ACCESSIBILITY STANDARDS UNDER VOLUNTARY VOTING SYSTEM GUIDANCE" which may clarify standards so it does offer promise. And it requires that the "entire process of paper ballot verification [is] equipped for individuals with disabilities. But it remains silent on whether this includes physical access to the polling place – and presumably a voter could not verify their ballot in an accessible manner if they cannot get into the polling place to vote.

The legislation might also through its posting of notice requirements require additional signage at polling locations that may also impact accessibility.

Finally, while the legislation does discuss funding, it does not include a continuation of funding for accessibility of polling places and the HAVA EAID program. While it appears that Section 261 of HAVA will remain funded through at least 2008, it is crucial that any new legislation impacting accessibility also include long-term funding to ensure this objective. Nevertheless, [the status of the Holt Bill remains uncertain](#).

Additional legislation will inevitably continue to impact accessibility both of voting machines and polling places. California's shifting standards remain in the air and New York is now considering a "Plan C" on a delayed implementation of accessible voting machines in every precinct.

HAVAAccess will follow the Holt bill and other election law changes as they occur. But existing new changes already do impact polling place accessibility and maybe just the first wave of a second set of sweeping national election law changes.

accessibility.

*Even if you've solved all your polling place physical access issues give us a call -- there are always more solutions to make elections even more accessible.*

Featured Products in the [2007 Catalog](#) include:

- **Cone Top Signs** These popular new signs stick right into existing cones and are weather-proof. Parking, directional, poll distance, and even custom signs available.
- **AutoMARK VoterAssist Terminal Accessories** Accessories for the AutoMARK VAT including accessible tables, Access Pads to extend accessibility to voters with limited dexterity, storage and transport solutions, privacy screens and more
- **Diebold-Compatible Privacy Screens** for voter privacy and independence (page 24).
- **Paint Stripers to Paint Parking lots and Parking Stops**
- **Lighter and Stronger Ramps** with non-slip surfaces and other improvements.
- **Also Available (but not yet in the Catalog) are Sip-N-Puff Adapters for all DRE Voting Machines and wands to allow individuals with limited reach to activate voting screens.**

We carry solutions for all accessibility issues in your polling places from parking lots, to steps, to door hardware, to restrooms to inside of the polling place. Our [products](#) are primarily portable and owned by you, the election official, and are consistent with Section 261 of HAVA.

*Other Materials and Free Resources*

- [Sample Polling Place Survey](#)
  
- [Free door hardware evaluation form](#)
- No Cost Help Going Through Survey Results. Call us toll free - - we have analyzed survey results and come up with non-binding proposals for hundreds of jurisdictions nationwide. [Please see a Sample Survey Analysis](#)
  
- **Free CD Rom with Power Point Training on Accessibility**  
Call 1-866-232-5487, or Email [ordercdrom@inclusionsolutions.com](mailto:ordercdrom@inclusionsolutions.com)

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