

Innovations in Election Administration 15

**Ensuring the
Accessibility
of the Election
Process**



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Introduction by the Office of Election Administration

This report is another in the series on *Innovations in Election Administration* being published by the FEC's Office of Election Administration.

The purpose of this series is to acquaint State and local election officials with innovative election procedures and technologies that have been successfully implemented by their colleagues around the country.

Our reports on these innovations do not necessarily constitute an endorsement by the Federal Election Commission either of any specific procedures described or of any vendors or suppliers that might be listed within the report. Moreover, the views and opinions expressed in these reports are those of the authors and are not necessarily shared by the Federal Election Commission or any division thereof.

We welcome your comments on these reports as well as any suggestions you may have for additional topics. You may mail these to us at:

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Introduction

The purpose of this publication is to provide information and guidance in order to help election officials ensure access to the election process for persons with disabilities.

The Voting Accessibility for the Elderly and Handicapped Act (VAA) of 1984 was the first to bring federal focus directly on the need for accessible voting facilities and procedures. The Americans with Disabilities Act (ADA) of 1990 further expanded and clarified the responsibilities of State and local election officials in ensuring the accessibility of the election process. And today, many States also mandate accessible polling places.

But voting accessibility is not just about complying with the law. It is also about the willingness of State and local election officials to serve persons with disabilities by routinely considering their particular needs in all aspects of the election process — in voter registration and in providing public information as well as in the voting process itself.

Many State and local election officials have developed creative and innovative ways to accommodate disabled voters, many of which are not costly but involve simple forethought and common sense. Some of these ideas are outlined in the following pages along with other guidelines and suggestions that you may find helpful.

The Scope of the Problem

There are an estimated 49 million persons with disabilities throughout the United States. And although most people, when they hear the word “disability”, think of wheelchairs, there are actually four broad categories of disability to which election officials will want to be sensitive:

- impaired vision
- impaired mobility
- impaired communication, and
- impaired dexterity.

It is important to note, however, that there is a range of impairment within each of these categories. And in improving the accessibility of your election facilities, you will want to bear in mind not just the extremes of these impairments but also those less severely impaired who may nevertheless require some measures to ensure functional accessibility to voting and registration facilities.

It should also be said that disabilities may come in combinations. But many of the measures suggested in this volume (such as large type instructions or ramped stairs) may also accommodate more than one disability.

Impaired Vision

Although total blindness is the extreme form of visual impairment, there is also a substantial number of people who are sighted but whose sight is seriously impaired. Such persons may have

difficulty reading small type instructions or the ballots themselves. Many of their needs can be accommodated by providing such items as:

- good illumination both in the polling places and in the registration facilities themselves as well as in indoor passageways (and especially staircases) leading to such facilities
- large type (12 point bold or larger) instructions — such as large, reusable, laminated posters that can be affixed to tables, voting devices or booths, or on the walls of the polling place
- magnifying glasses or devices that can be made available on request from the chief poll workers
- assistance in voting provided under the requirements of State law (remembering that Section 208 of the federal Voting Rights Act permits virtually any person of the voter’s choice to provide them assistance)
- assistance (using either a staff reader or, preferably, an audio recording) in reading materials that you have made available to the general public.

Federal law does not require that braille materials of any type be provided (since braille materials would in any even serve fewer than 20% of the blind population). There are at this writing, however, a few lawsuits that seek some means for the blind to vote unassisted and in privacy. But whatever the final outcome of these cases, it is reasonable to expect that, at the current rate

of technology, voting devices that facilitate independent voting by the blind may soon appear on the market.

Impaired Mobility

The most noted form of impaired mobility is the wheelchair. And later sections of this report contain a number of specific measures that you can take to ensure the accessibility of your election facilities to wheelchair users. Yet it is crucial to recognize that measures to ensure access for wheelchair users may not be sufficient to serve the needs of others who are ambulatory but nevertheless impaired. Those who use walkers, canes, prosthetic devices or who suffer from dystrophy, sclerosis, heart ailments, obesity, infirmity of old age, or any number of other impairments frequently have limitations on the distances they can traverse or on performing essential transactions while standing.

In addition to the other measures described later in this volume, then, election officials will want to consider:

- avoiding long distances to be traversed either within the facility or from parking areas to the facility
- ensuring that doors are not unduly heavy or difficult to open
- ensuring that any internal steps or stairs are either ramped or have elevator alternatives
- ensuring that walking surfaces are non-skid and unencumbered with items over which one might trip or stumble
- providing seating areas within the facility (especially along unavoidably long corridors and in places with waiting lines)
- providing seats at tables or in voting devices.

Impaired Communication

Impaired communication refers both to impaired hearing and to impaired speech. Many of the practical problems of those with impaired hearing can be overcome by the same large type instructions suggested above for the visually impaired. And although impaired speech presents fewer practical problems, election officials may want to include some sensitivity training as a component to their standard poll worker and employee training curricula (See Appendix A).

Impaired Dexterity

Impaired dexterity refers primarily to problems in grasping items in the hand. Its extreme form is, of course, complete paralysis. But less severe forms, such as muscular disorders or even arthritis, are not uncommon. Accordingly, election officials will want to make sure that:

- any doorknobs are fitted with devices that convert them to levers, and that
- any stylus or other ballot marking instrument has a knob that can be readily grasped.

Endnote

Many of the remedies to inaccessible polling places that are suggested in this volume are relatively simple and easy to apply. Others may require some equipment, construction, or expert guidance. For this reason, we have provided in Appendix D a listing of sources you might turn to for the more challenging problems you encounter.

Relevant Federal Laws and Applicable Guidelines/Standards

Five federal statutes pertain to the accessibility of the election process to persons with disabilities. These laws work together to ensure that all persons with disabilities, young and old, can enter a facility, cast their vote, and exit the polling place along with their fellow citizens. The following federal laws apply to all State and local jurisdictions:

The Voting Rights Act of 1965 (42 U.S.C. 1973aa-6)

The Voting Rights Act of 1965 was originally designed to protect and facilitate the voting rights of racial minority groups. Subsequent amendments have, however, expanded it to include other minority groups as well as more general matters regarding voting qualifications and procedures. Section 208 of that Act applies to all elections in all jurisdictions and reads in its entirety:

“Any voter who requires assistance to vote by reason of blindness, disability, or inability to read or write may be given assistance by a person of the voter’s choice, other than the voter’s employer or agent of that employer or agent of the voter’s union.”

This provision supersedes any incompatible State law that may restrict the number of voters a person may assist or that may place restrictions, such as on children, on who may enter a polling booth with a voter requiring assistance. It does not, however, preclude obtaining a signed and sworn affidavit from any person providing voter assistance.

The Rehabilitation Act of 1973 (29 U.S.C 791 et seq)

Section 504 of the Rehabilitation Act of 1973 requires recipients of federal funds to make their programs and activities accessible to persons with disabilities. Included are both private and public entities. State and local governments that receive some type of federal funding, such as Community Development Block Grants, are considered to be covered by Section 504.

The accepted standards for newly constructed or altered facilities under Section 504 are the Uniform Federal Accessibility Standards (UFOS) issued jointly by the General Services Administration, Department of Housing and Urban Development, Department of Defense, and the U.S. Postal Service.

The Voting Accessibility for the Elderly and Handicapped Act of 1984 (42 U.S.C. 1973ee Through 1973ee-6)

The Voting Accessibility for the Elderly and Handicapped Act (VAA) of 1984 contains provisions expressly intended to “promote the fundamental right to vote by improving access for handicapped and elderly individuals to registration facilities and polling places for Federal elections.” Key provisions require:

■ that each political subdivision responsible for conducting elections within each State assure that all polling places for federal elections are accessible to elderly and handicapped voters **except** in the case of an emergency as determined by the State's chief election officer or **unless** the State's chief election officer

- determines, by surveying all potential polling places, that no such place in the area is accessible nor can be made temporarily accessible, **and**
- assures that any handicapped voter assigned to an inaccessible polling place will, upon advanced request under established State procedures, either be assigned to an accessible polling place or be provided an alternative means of casting a ballot on election day.

■ that each State or political subdivision responsible for voter registration for federal elections provide a reasonable number of accessible permanent registration facilities **unless** the State has in effect a system which provides potential voters an opportunity to register by mail or at their residence.

■ that each State make available to handicapped and elderly individuals registration and voting aids for federal elections **including** large-type instructions conspicuously displayed in every permanent registration facility and polling place **and** information by telecommunication devices for the deaf (TDD's).

■ the elimination of any notarization or medical certification requirement for handicapped voters to obtain (or apply for) an absentee ballot **except** for medical certifications required to establish eligibility, under State law, for automatically receiving such an application or ballot on a continuing basis **or** for applying for an absentee ballot after the deadline has passed.

■ that each State's chief election officer provide public notice, calculated to reach elderly and handicapped voters, of the availability

- of the registration and voting aids required above
- of the voter assistance provisions under Section 208 of the Voting Rights Act of 1965, **and**
- of the procedures for voting by absentee ballot not later than general public notice of registration and voting is provided.

Although it was not the intent of this Act to impose any national standard of accessibility, the chairman of the House Subcommittee on Elections (in Hearings conducted in 1987) asked the Federal Election Commission to explore ways of achieving a greater commonality of approach in the various States. Accordingly, the FEC's National Clearinghouse on Election Administration joined with the National Association of Secretaries of State and the Coalition for Voter Accessibility in an effort to devise a polling place evaluation and reporting form which might be adopted voluntarily by the States. This form was designed to be comprehensive, flexible enough to accommodate variations in individual States specifications, yet fairly easy to complete. It appears in Appendix B of this report.

The Americans with Disabilities Act of 1990 (42 U.S.C.)

Title II of the Americans with Disabilities Act (ADA) prohibits discrimination by State or local entities in any of its services, programs, or activities — including the election process. State and local election entities are thereby obliged to ensure the accessibility of the election process by qualified persons with disabilities.

The applicable standards for assessing public facilities under this Act are either the Uniform Federal Accessibility Standards (UFAS) or the Americans with Disability Accessibility Guidelines/ADA Standards for Accessible Design (ADAAG).

A Note on The Relationship of the Voting Accessibility for the Elderly and Handicapped Act to the Americans with Disabilities Act

A number of State and local election officials were concerned in 1993 about the impact of the Americans with Disabilities Act on their efforts to comply with the Voting Accessibility for the Elderly and Handicapped Act of 1984. For although there are no direct statutory linkages between the Acts, they both address the same subject.

Indeed, the House Subcommittee on Elections, in their 1991 Hearings on the VAA requested the Federal Election Commission's understanding of the relationship between the two Act. Their response, which you will want to review, is provided in Appendix C.

The National Voter Registration Act of 1993 (42 U.S.C. 1973gg)

This Act applies to all federal elections in all States except Idaho, Minnesota, New Hampshire, North Dakota, Wisconsin, and Wyoming which are exempted by 42 U.S.C. 1973gg-2 as amended. In all other States, this Act, among many other things:

- requires that individuals be given an opportunity to register by mail using either a State mail voter registration form or the national mail voter registration form
- requires that individuals be given an opportunity to register to vote (or to update their voter registration data) when applying for or renewing a driver's license or other personal identification document issued by a State motor vehicle authority
- requires that individuals be given the opportunity to register to vote (or to change their voter registration address) when applying for services or assistance

- at any office in the State that provides public assistance including, but not limited to, the Food Stamp program; the Medicaid program; the Special Supplemental Food Program for Women, Infants, and Children (WIC) program; and the Aid to Families with Dependant Children (AFDC) program;
 - at other offices designated by the State;
 - at Armed Forces recruitment offices;
- and, most important for the purposes of this volume
- at or through any office in the State that provides State funded programs primarily engaged in providing services to persons with disabilities.

Local election officials should consult their chief State election official to learn which agencies within their State have been designated as voter registration facilities.

Ensuring Access to the Polling Place

Only those features of a site which are a necessary part of the process of getting to the polling place, and which facilitate accessibility for voters with disabilities are included in this section. Notwithstanding efforts already undertaken by facility owners to provide for accessibility, election officials are charged by the Voting Accessibility for Elderly and Handicapped Act with insuring the accessibility of the polling place. The use of all or a portion of both a site and building for a polling place may be quite different from its normal use. Special temporary measures may be required to convert the existing facility to a polling place to providing accessibility for voters with disabilities. For instance, the polling place may be only a small part of a larger building remote from the building's main entry. The existing secondary entrance may be used for the primary entry to the polling place but may not be accessible, and far from designated accessible parking spaces. In this case, some accommodations will have to be made by election officials to address the barriers created by the polling place setup and operation.

Accessible Site for Polling Place

An accessible site for a polling place will provide an accessible route or routes to an accessible building entry to the polling place. Typically, there should be an accessible route from public streets or sidewalks. If on-site parking is afforded voters, then accessible parking with an accessible

route to the polling place should be provided. If there is a nearby public transportation stop, there should be an accessible route from the public transportation stop to the polling place site. An accessible passenger loading zone should also be provided.

Accessible On-Site Car and Van Parking

The Americans with Disabilities Accessibility Guidelines (ADAAG) for new construction requires that when on-site parking is provided for self-parking by employees (and volunteers) or visitors (voters), then accessible parking spaces shall be provided:

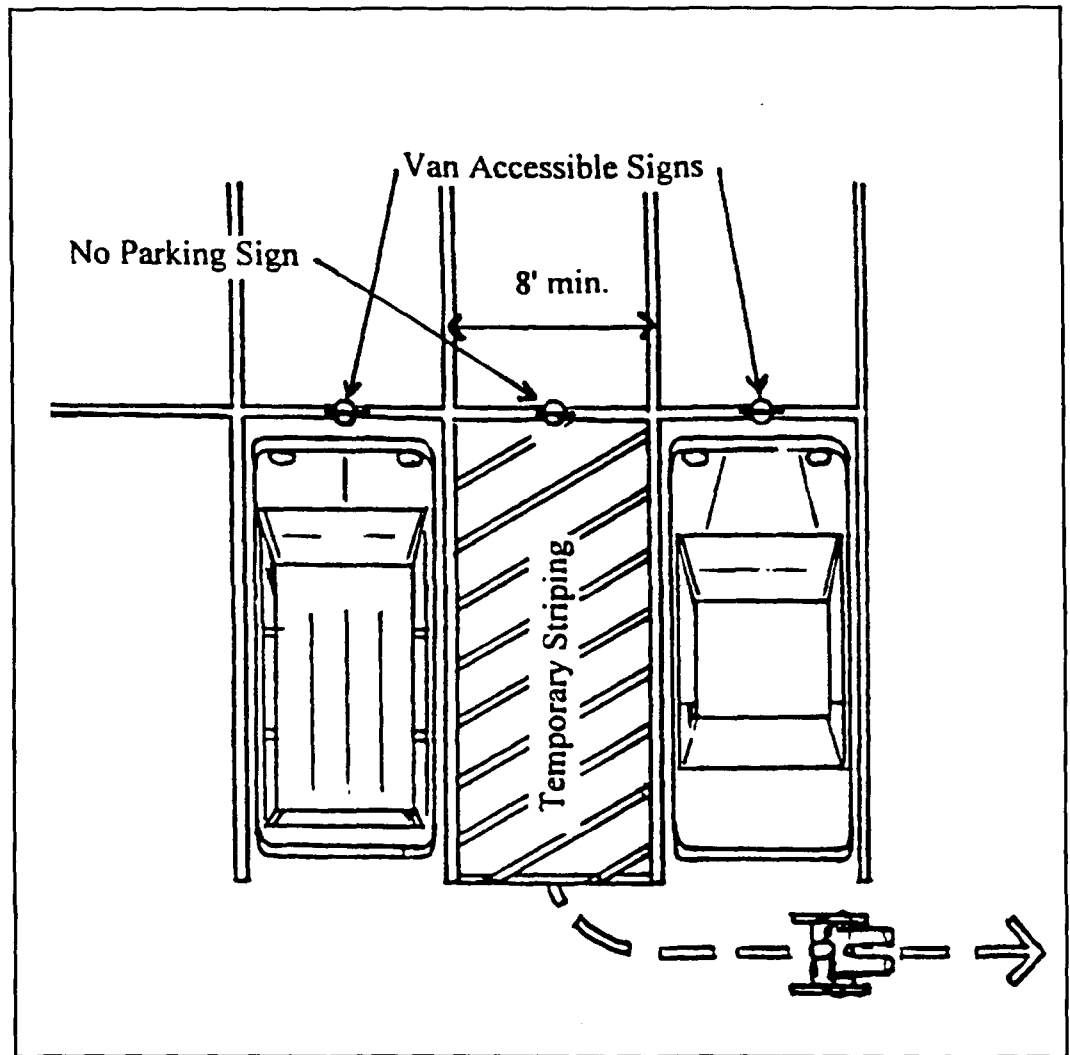
If on-site parking is available at the voting/registration area, the parking area should comply on at least a temporary basis with ADAAG requirements for new construction for both van accessible and overall total number of accessible parking spaces. The required parking spaces may be provided in the particular lot, or could be provided in another location if equivalent or greater accessibility in terms of distance from an accessible entrance, cost and convenience is ensured. Accessible parking spaces should be located on the closest accessible route of travel from adjacent parking to the accessible entrance of the voting/registration facility. If the parking area is curbed, a curb ramp will be needed on the accessible route to the facility entry.



Total Parking Spaces	Accessible Spaces
1 to 25	1 (van accessible)
26 to 50	2 (1 van accessible)
51 to 75	3 (1 van accessible)
76 to 100	4 (1 van accessible)
101 to 150	5 (1 van accessible)
151 to 200	6 (1 van accessible)
201 plus	refer to ADAAG 4.1.2(5)(a&b)

Note that for parking areas constructed prior to ADAAG, if the parking area provides for accessible (handicapped) parking spaces, it may not have provided for van accessible parking or provided an adequate number of accessible parking spaces.

Figure 1
Accessible Parking Bay Without Curb



Accessible Passenger Loading Zones

If adequate on-site or on-street parking close to the voting or registration site is not available, then a passenger loading zone with an access aisle close to an accessible entrance should be provided on at least a temporary basis. If this loading zone includes a curb, a curb ramp will be required.

Many voters with disabilities will arrive at the voting/registration site via a pool vehicle which requires a passenger loading zone for drop off. While some of these voters can disembark/embark a high floor vehicle such as a van or a lift equipped vehicle at curb level, many others with mobility impairments and wheelchair users must get in and out at pavement level, especially from low floor vehicles such as most passenger cars.

Figure 3
Accessible Passenger Loading Zone

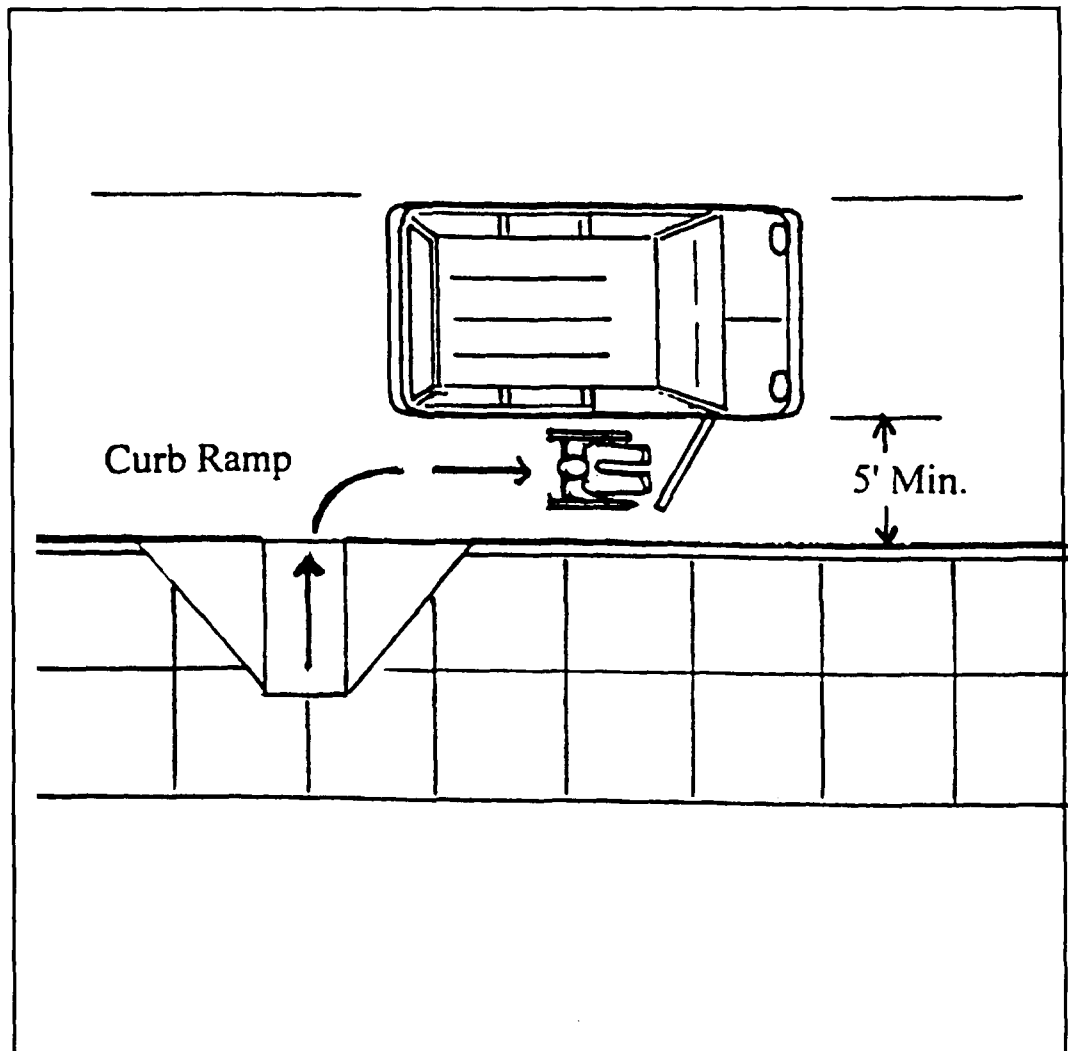
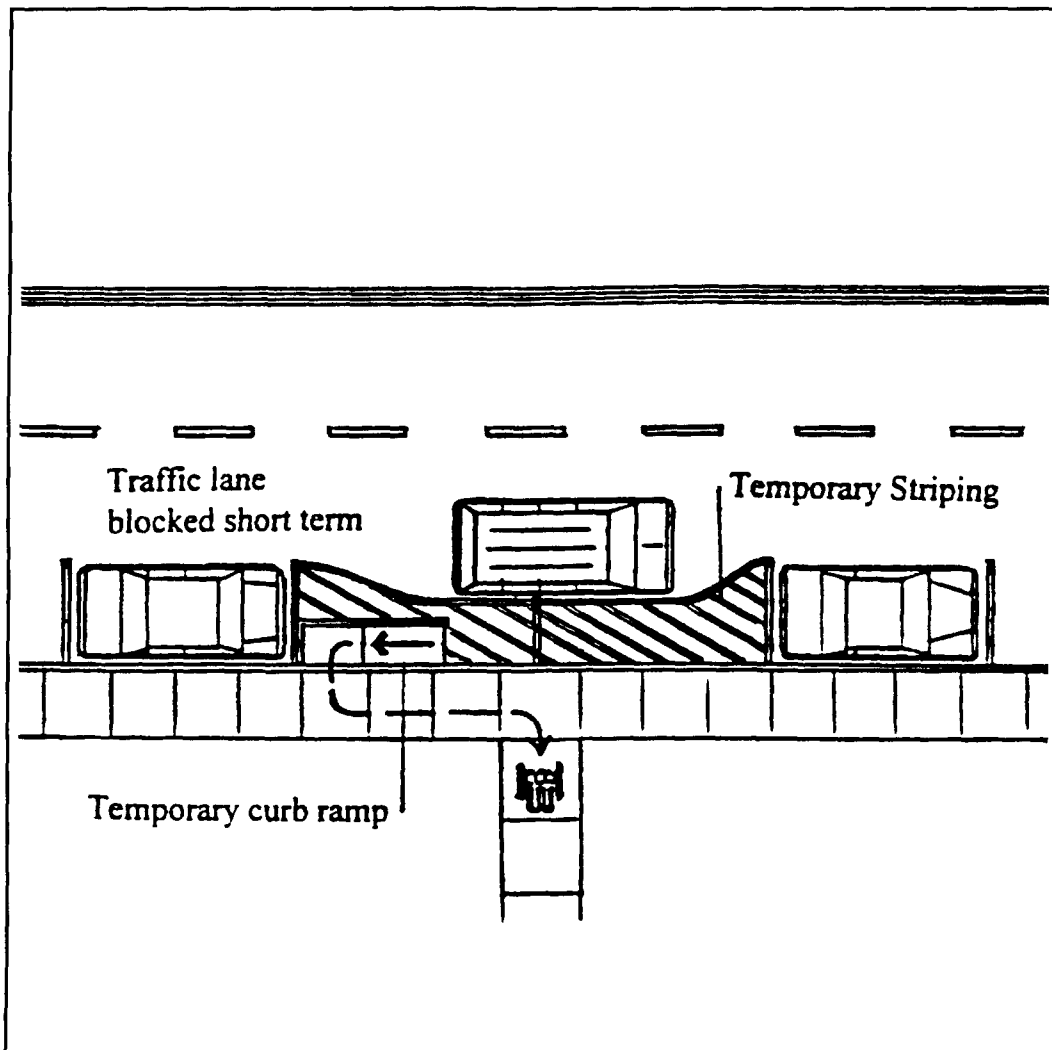


Figure 4
Temporary Accessible Loading Zone
(Two parking spaces required)



Public Transportation Stops

Voters with disabilities may elect to arrive via public transportation if available. If a bus or subway stop is close to the voting/registration site, an accessible route from the transit stop should be verified. An accessible route might require the installation of new curb ramps or cross walks. These off site modifications should be permanent improvements if possible.

Accessible Route

■ **Curb ramps:** A curb on an otherwise accessible route is an insurmountable barrier for many voters with disabilities using wheelchairs or walking aids. A curb ramp with a maximum slope of 1:12 and a minimum width of 36" is re-

quired to overcome the curb barrier. Curb ramps work best if they are cut out of the curb back into the sidewalk, and hence are a permanent site or off-site improvement. A temporary curb ramp which does not cut the curb must project 6' from a 6" curb line without extending into vehicular traffic. In many instances, space limitations on existing sidewalk's will not permit the installation of this ramp. As an alternative, a temporary projecting built up curb ramp can be made with asphalt paving patch material which can be rolled with smooth feather edges. Temporary projecting curb ramps can be made out of wood with 2" high curbs on both sides of a 3' wide ramp, but should be securely fastened to pavement, and tapered to a maximum 1/4" vertical lower threshold, with a minimal gap at curb line.

Figure 5
Example of
Permanent
Curb Ramp

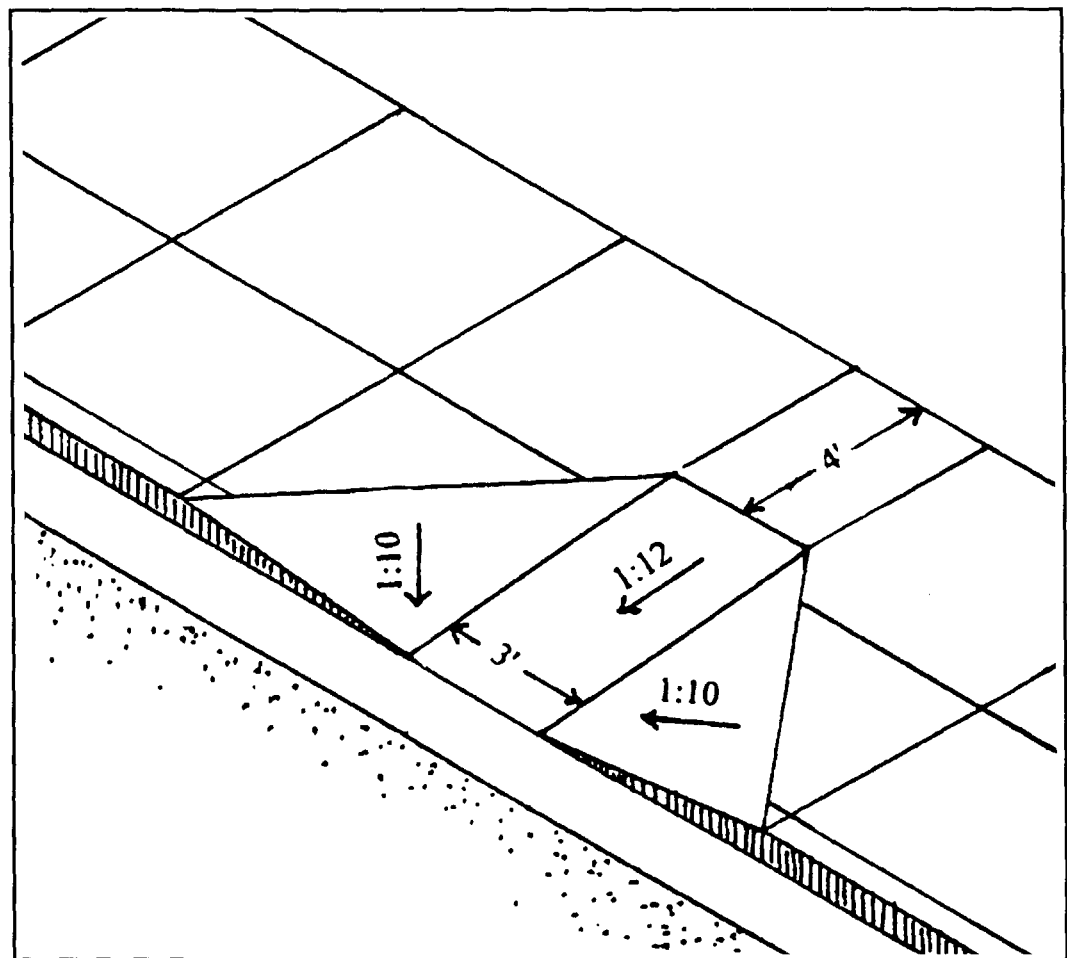
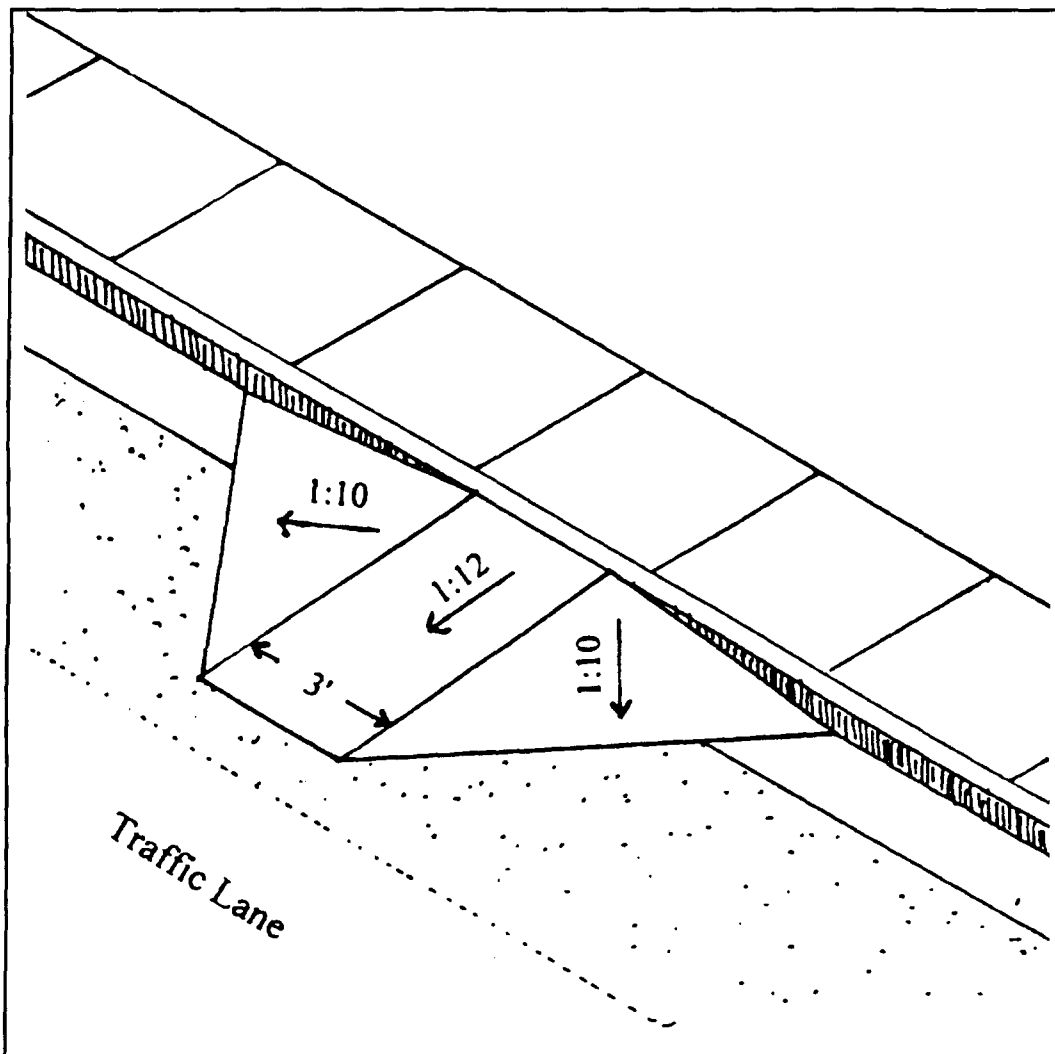
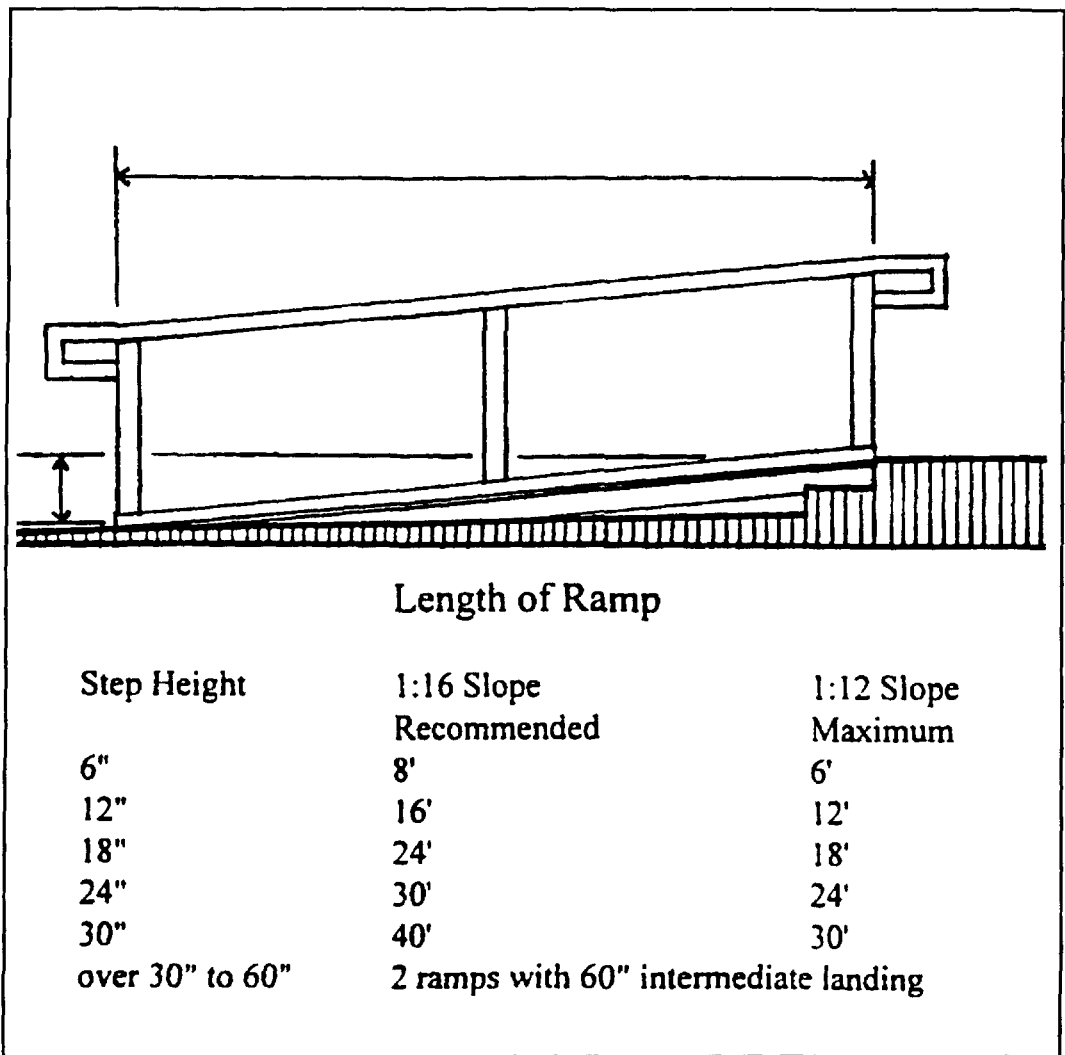


Figure 6
Example of Temporary Built-up Curb Ramp



-
- **Walkways:** The minimum clear width of a walkway should be 36". If less than 60" wide passing spaces 60" by 60" should be provided at reasonable intervals not to exceed 200'. A T-shaped walkway intersection is an acceptable passing space. The walkway surface should be stable, firm and slip-resistant. Typically, the walkway will be asphalt or concrete pavement, but compacted crushed rock and gravel, or tamped earth which is passable to wheelchairs in inclement weather is also acceptable. The walkway should have a cross slope not to exceed 1:50 so that wheelchair users can maintain a straight path. The running slope should not exceed 1:20; slopes over 1:20 are considered a ramp and will require handrails and intermittent landings 60" long at 30" height gain intervals.
 - **Entry:** Voters with disabilities should be able to enter the polling place by the same entry as other voters. Steps at the entry to a polling place are an insurmountable barrier for voters using a wheelchair or walking aid. Separately routing these voters to a back service or loading entry is strongly discouraged. A low stepped entry barrier can be overcome by either a permanent or temporary ramp. Stepped entry's with a total height gain of 30" can be overcome by a single ramp run with a maximum slope of 1:12 (1' horizontal ramp run for each inch of height gain). Note a slope of 1:16 is easier for persons with disabilities to use and thus preferable if space permits. A stepped entry with between 30" and 60" of total height gain will require two ramp runs with an intermittent 60" landing. It may not be spatially feasible to overcome a stepped entry over 60" high with ramps and the effort required may be too taxing for many disabled voters; a portable or permanent platform lift may be an alternative solution.

Figure 7
Temporary Ramp to Overcome Steps at Entry



Ensuring Access Inside the Polling Place

Only those features of a building which are a necessary part of the process of getting to the voting booth to cast a ballot, and which facilitate accessibility for voters with disabilities are included in this section. Support features such as water fountains and toilet rooms are not included because they are not essential to casting a vote. Nevertheless, these and other accessible support features are necessary for persons with disabilities to participate as poll workers and election officials.

Doors

Doors at the building entry and interior doors encountered en route to the voting booth may pose a barrier to access by voters with disabilities.

- **Revolving doors:** Revolving doors at an entry are a barrier to passage of voters in wheelchairs and elderly voters using walkers or crutches. An alternate accessible door should be available.
- **Double doors:** Double doors, including those without a central fixed post (astragal), are not accessible unless one of the doors fully open meets the minimum clear passage width. However, double doors linked to act in concert so that opening one door opens the other are accessible if they provide the minimum clear passage width between door faces when fully open 90 degrees.

- **Doors in series:** Two doors in series such as an airlock at building entry are not accessible unless there is a minimum of 48" between the doors plus the width of any door opening into intervening space. Doors in series should either both open in the same direction or in opposite directions away from the intervening space.

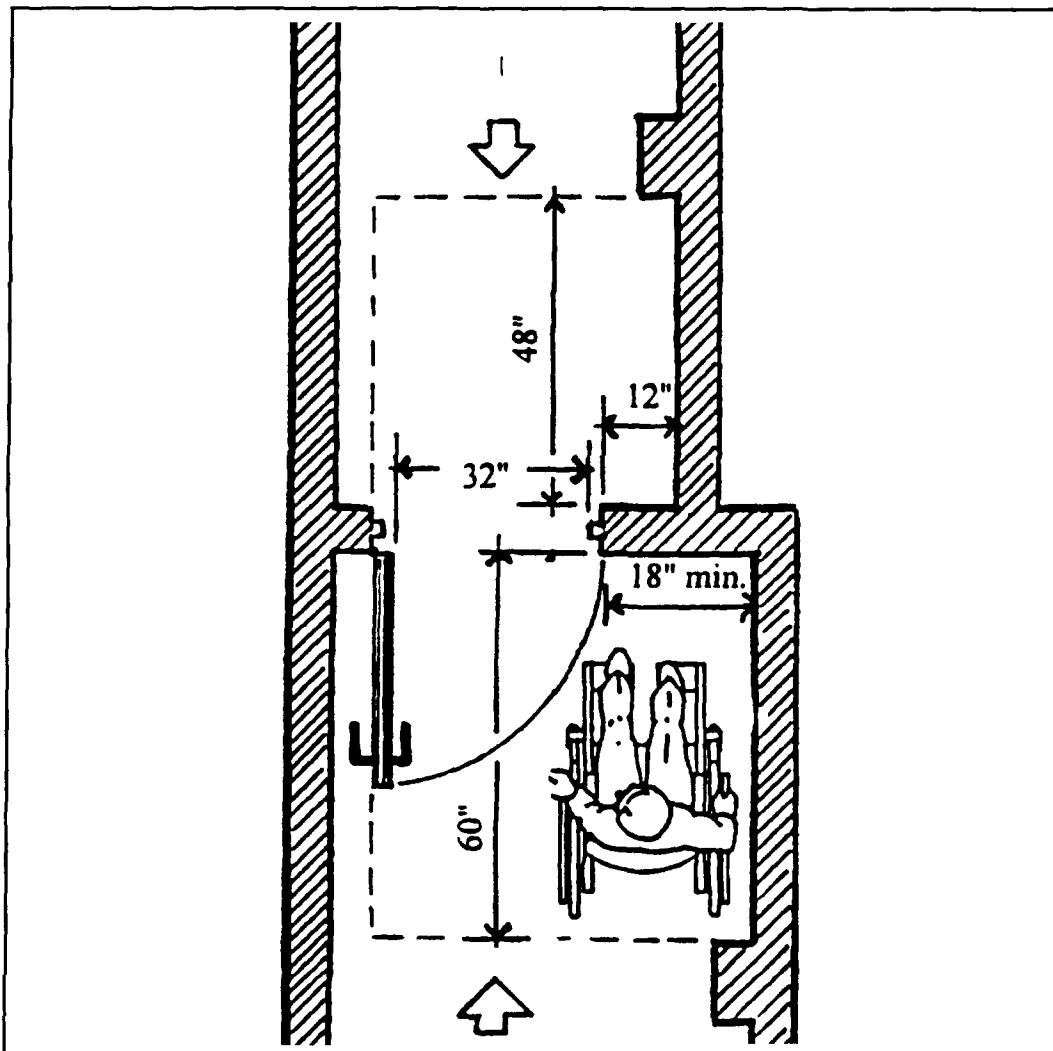
- **Clear passage width:** To permit passage of voters in wheelchairs and elderly voters with walkers or crutches, the doorway clear opening should be a minimum of 32" wide with the door open 90 degrees, measured from the door face to opposite stop (latch side). Given a typical door thickness of 1 1/2" to 2" the minimum actual width of a door permitting this accessible passage is nominally 36".

Doorways not permitting this 32" clear passage for accessibility, but measuring 32" or more between stops, may be made accessible by temporarily removing the door or remounting the door on special offset hinges. Note that removing a door may not be permitted by weather considerations or fire code. If the doorway is too narrow, providing a wider door can be a relatively expensive permanent solution, typically involving new structural reframing and refinishing of the wall, and a new door frame and threshold as well as a new wider door.

■ **Door hardware:** Accessible doors should be operable with one hand, without having to tightly grasp, tightly pinch or twist the wrist to open. Lever handles, push bar mechanisms, and U-shaped pull handles are acceptable, but door knobs are not.

■ **Door closers:** Automatic door closers can constitute a barrier for voters with disabilities if doors close too quickly to permit passage. Door closers should be adjusted to allow at least 3 seconds from the fully open to nearly closed position.

Figure 8
Doorway Clear Width and Maneuvering Clearances



■ **Thresholds:** Doorway thresholds can constitute a barrier that impedes voters who use wheelchairs and elderly voters with walkers or crutches if the threshold is too high or abrupt. Thresholds should not exceed 1/2" in height and should be beveled at a slope no greater than 1:2. If a threshold is not accessible, a temporary accommodation may be necessary. A poll worker may also have to be positioned to hold the door open for voters using wheelchairs, walkers, or crutches.

Accessible Route

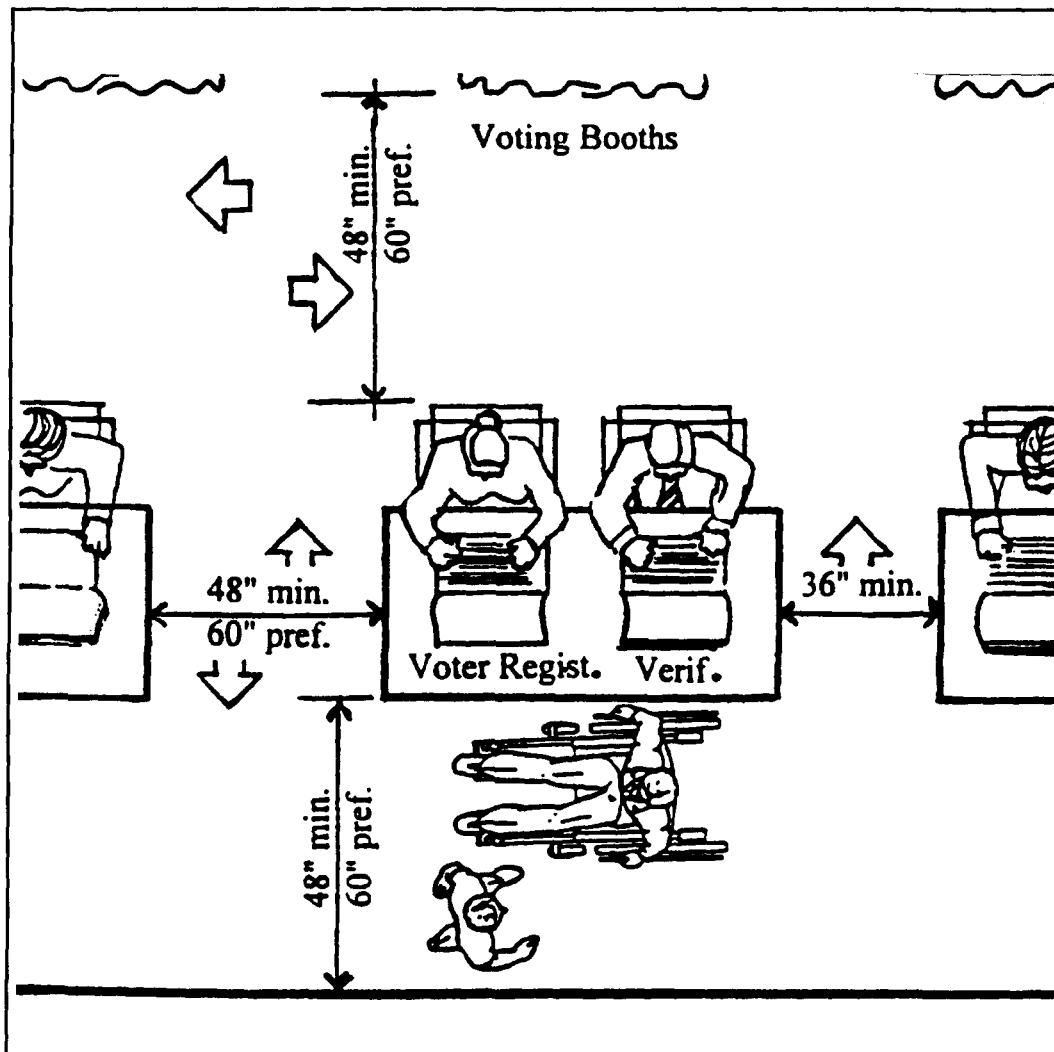
There should be an accessible route of travel for voters with disabilities extending from the accessible building entry to the voting machine or voting booth. Exit after voting may be by the same or another accessible route may be used.

■ **Minimum width:** To permit the one way passage of voters with disabilities using wheelchairs, walkers, crutches or service animals, a 36" minimum wide route is required. Note that this minimum width pertains to the furniture placement in rooms, including tables, chairs and voting booths as well as fixed architectural components such as halls and corridors. This minimum width can be reduced at points down to 32" for up to 24" of travel such as past the narrow end of a table or an architectural pilaster. This minimum width only permits one way passage of persons using a wheelchair, walking aid or service animal - no person, whether ambulatory or not, could pass by a wheelchair, walking aid or service animal user in either direction. Therefore, an accessible route less than 60" wide will require passing spaces 60" by 60" at regular intervals.

■ **Recommended minimum width:** Many polling places are likely to be crowded on Election Day and a 36" minimum accessible route could aggravate the congestion. The minimum width for a voter with a disability using a wheelchair, walking aid or service animal to bypass an ambulatory person is 48". The minimum width for two wheelchairs or walking aid users to pass each other or for an ambulatory person to pass by a wheelchair, walking aid or service animal user

without turning sideways is 60". To ease congestion and to permit the flexibility and courtesy of allowing voters with disabilities in wheelchairs, or with walking aids and service animals to go to the front of the line a minimum continuous width for an accessible route of 60" is recommended, with a minimum of 48" at furniture passage points such as registration verification tables and voting booths.

Figure 9
Minimum Width for Accessible Passage

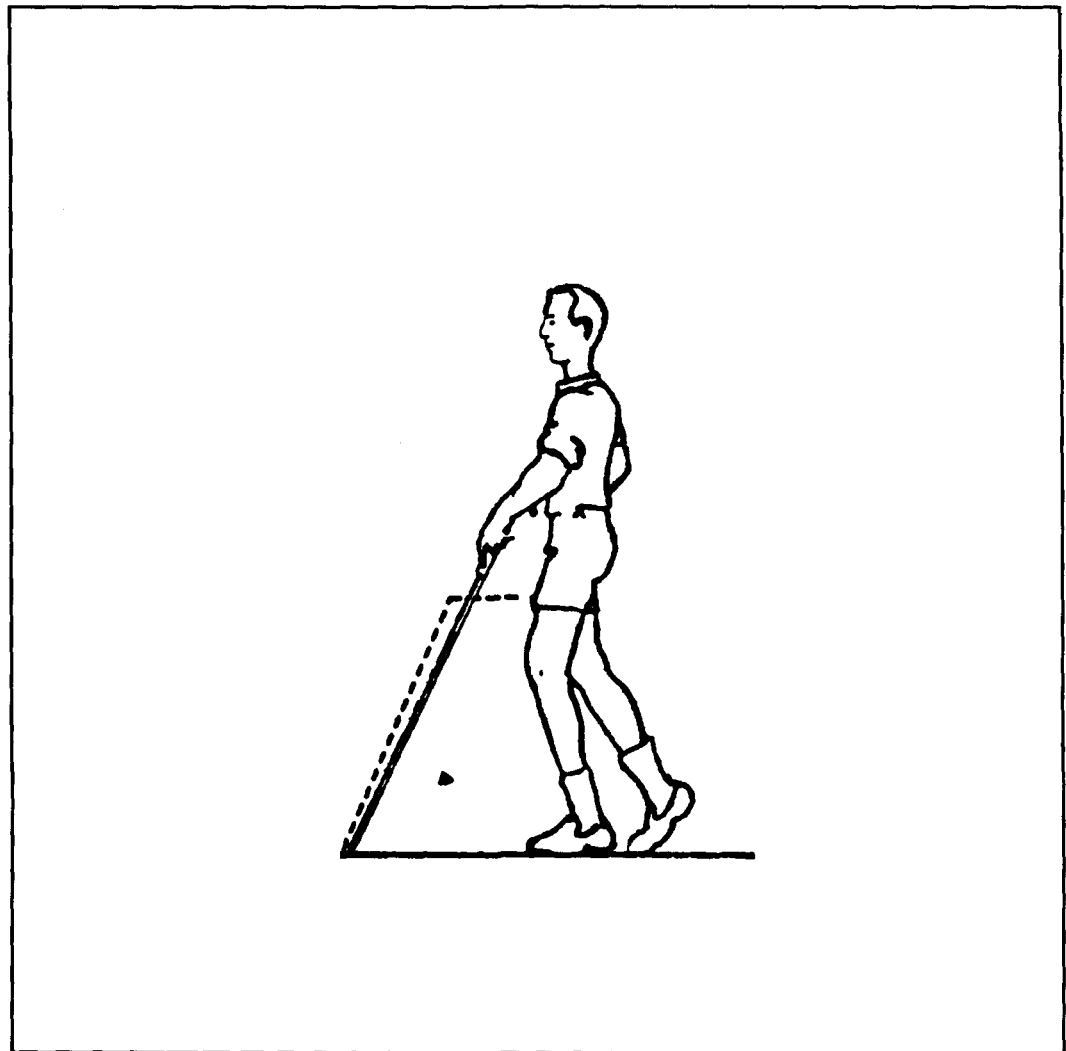


■ **Protruding objects:** Objects which extend from the wall along an accessible route such as a fire extinguisher, drinking fountain or public telephone stand reduce the effective width of the accessible route at that point and may present a hazard for voters with disabilities who are visually impaired. A visually impaired voter using a

cane cannot detect a protruding object mounted with its lower edge over 27" above the floor and may walk into it. Similarly, free-standing objects such as temporary directional signs on posts or temporary saw horse barriers will not be detected by visually above the floor.

Figure 10

Protruding Objects and Overhead Clearances



Overhead clearance: A minimum overhead clearance of 6' 8" should be maintained. Signs, including fire exit signs, old door closers which hang below the door head, light fixtures, and especially the open underside of staircases are examples of overhead hazards not detected by blind or visually impaired persons using a cane without a warning barrier.

Accessible Voter Registration Verification

Verification of voter registration is typically done at tables. Tables should be no higher than 34" with 29" clear under them to both allow for wheelchair users to be poll workers, and voters in wheelchairs to approach the table. Elderly voters may not be comfortable having to stand to answer registration questions, and having chairs available for their use will help put them at ease. If there are long lines for either verification of voter registration or to use the voting booths, then chairs should be available where elderly voters can await their turn. Elderly voters should not have to shuttle from chair to chair to maintain their place in line, but, instead, should be called when their turn is near, allowing them some extra time for transit. Chairs intended for elderly use should be equipped with arms, which will assist the elderly in both sitting and arising. In arranging the furniture at the polling place, it is important to maintain adequate clearances to permit the passage and maneuver of persons with disabilities and the elderly.

Voting

■ **Accessible voting machine booths:** An accessible voting machine should provide suffi-

cient room for a voter with a disability such as a wheelchair user to vote in complete privacy behind a curtain or screen to insure a secret ballot. Any levers, buttons or other voting means should be within an easy reach range of a wheelchair user. For a frontal approach, this booth space should be a minimum of 36" wide by 48" deep; this depth can be reduced to 36" if the voting machine is set up on a table or otherwise provides 29" high knee space 19" deep for wheelchair users. The reach range of a wheelchair user for a frontal approach is limited to 48" high. If a wheelchair user can position themselves parallel to the machine, the reach range is increased to 54" high, but minimum space is increased to 48" wide by 36" deep.

■ **Accessible voting booths in lieu of machines:** Some voters with disabilities may not be able to use a voting machine. And some polling places may not have a sufficient number of registered voters to warrant the use of voting machines, and may instead use a voting booth and hand-marked ballots. An accessible voting booth for handmarked ballots should have a screened table with a maximum height of 34" and 29" clear height to permit wheelchair voters. A curtained or screened booth a minimum of 36" wide and 36" deep will accommodate a wheelchair user.

■ **Accompanied voters with disabilities:** Federal law allows voters with disabilities to be accompanied and to receive assistance by another person in the voting booth. To ensure a secret ballot, the curtained or screened voting booth of at least one machine or manual ballot should be 48" wide by 48" deep to accommodate accompanied voters with disabilities.

Figure 11
Accessible Voting Machine Booth (No Kneespace)

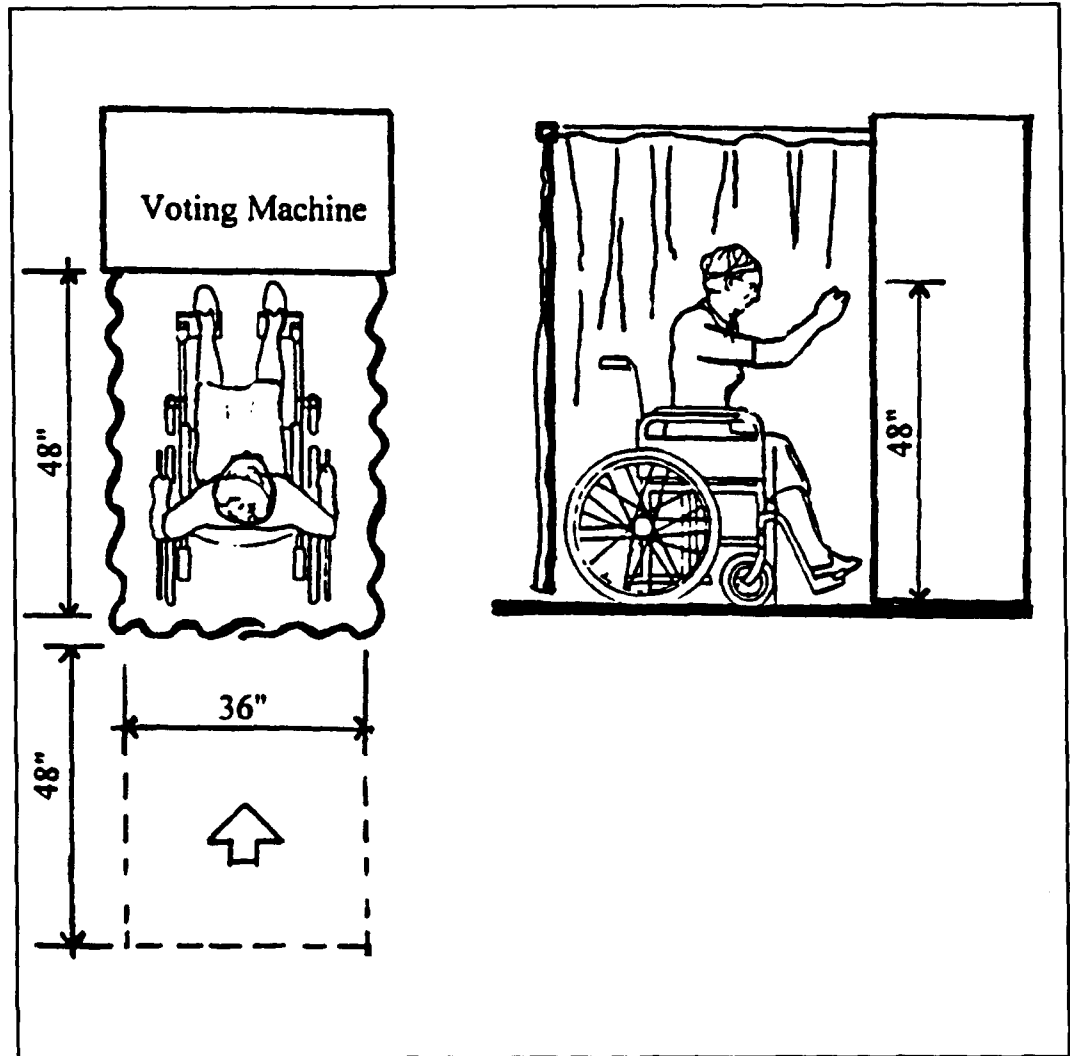


Figure 12
Accessible Voting Machine Booth with Kneespace

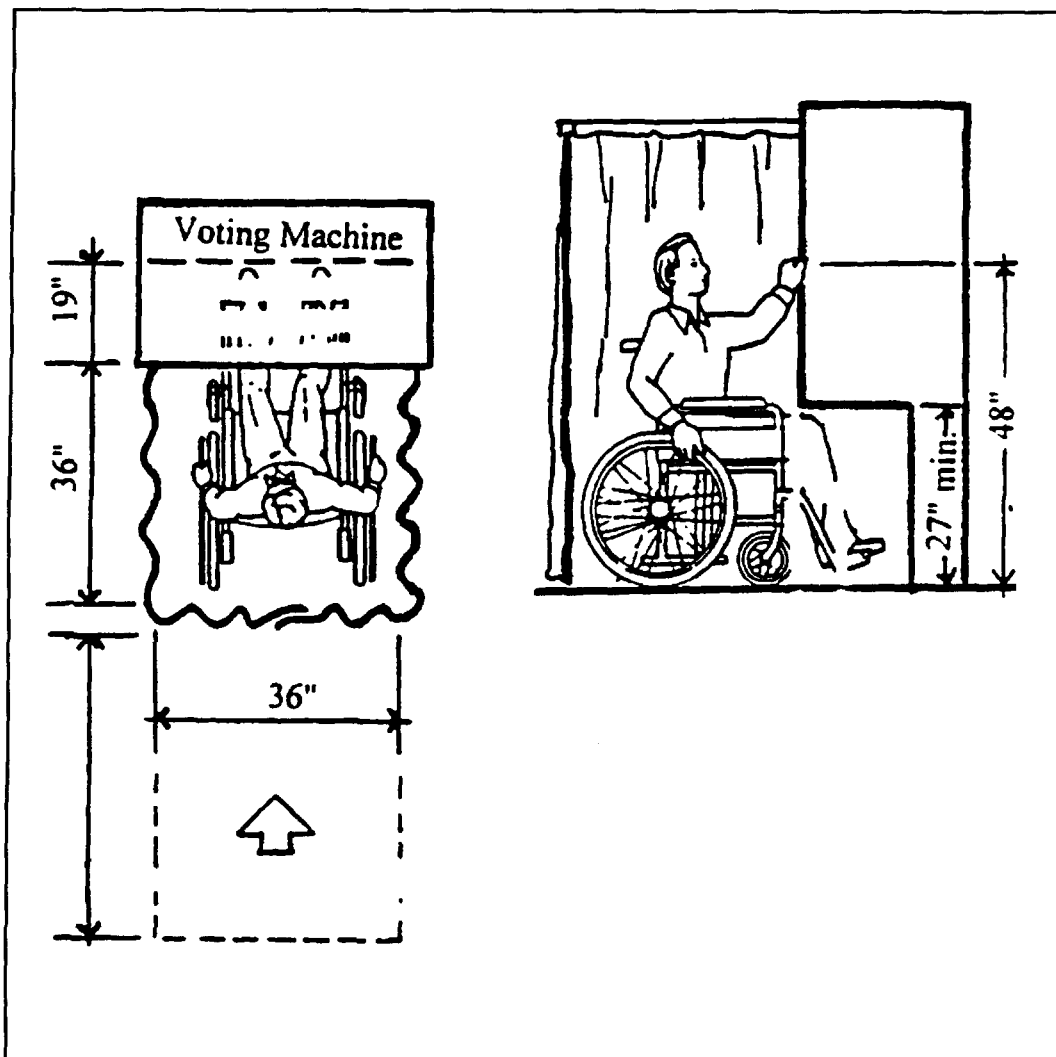


Figure 13
Accessible Voting Machine Booth (No Kneespace)

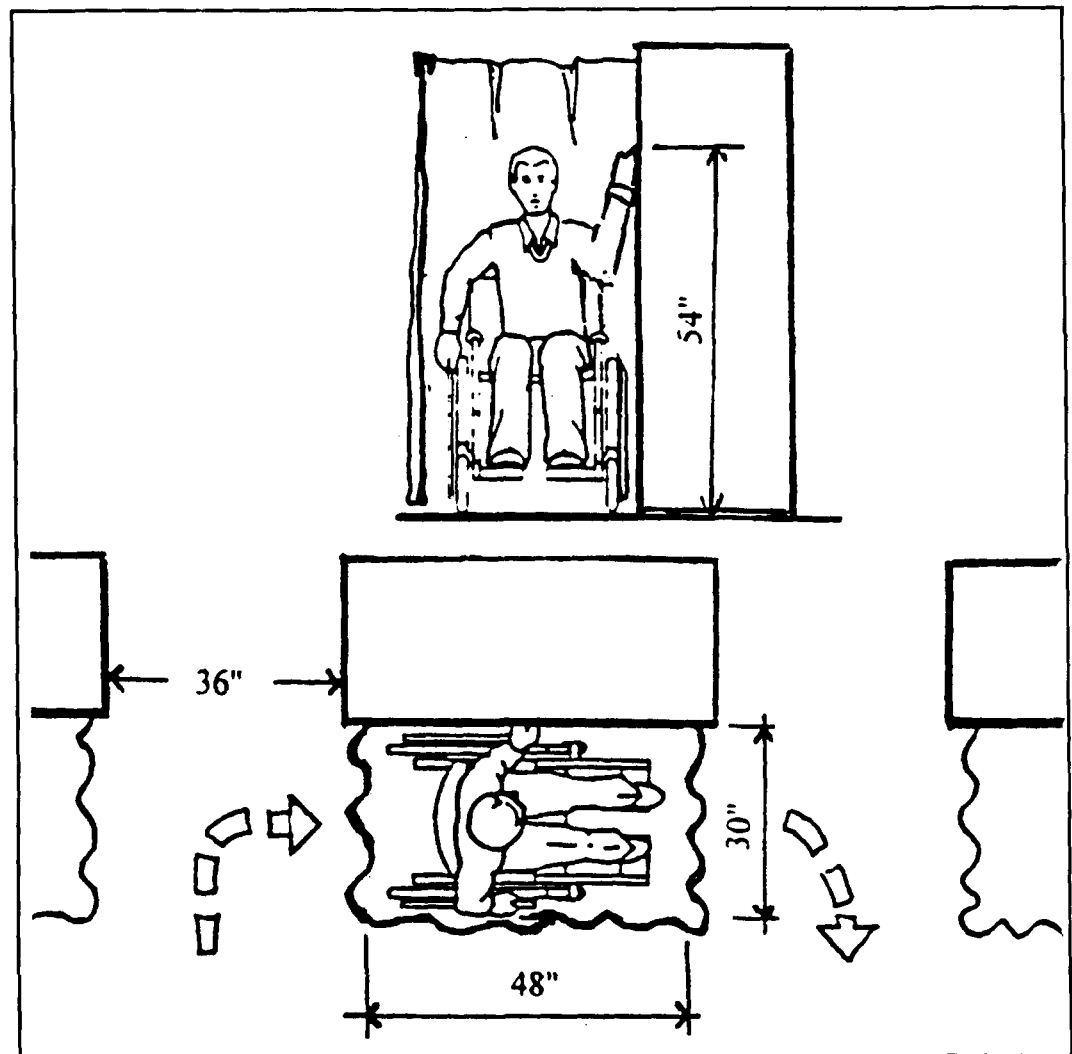
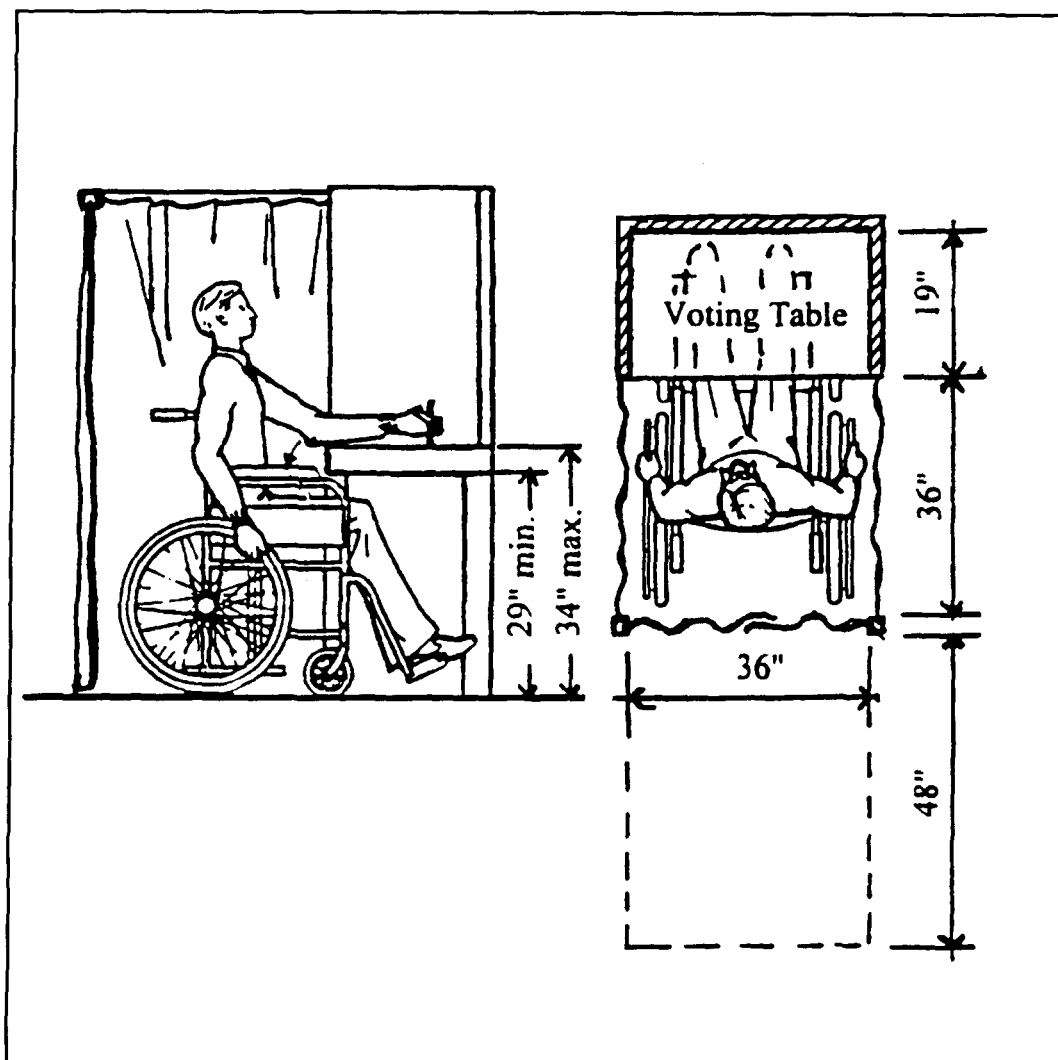


Figure 14
Accessible Voting Booth with Table



Funding Accommodations for People with Disabilities

Frequently, making accommodations to achieve accessibility to polling places for people with disabilities requires the expenditure of funds for items such as portable ramps, special hardware or special adaptive equipment. Most states do not budget for these accommodations, so imaginative and innovative funding methods have to be devised.

In most cases, fundraising is a one-time effort and not an annual necessity. Once the items needed to provide accessibility are acquired, they can be used for each subsequent elections. Most local organizations take on annual fundraising for the charities and causes they adopt and are not able to add to those efforts on an annual basis. However, as a one-time effort, they are more open to helping.

Here are some of the ways in which election districts across the nation have met the funding challenge:

Service clubs: Service clubs such as the Junior Chamber of Commerce, the Lions, Kiwanis or Rotary clubs have “adopted” a polling place and used a variety of fundraising approaches to raise money to help make polling places accessible. If approached and given the nature of the problem, these community organizations will take on the one-time job of raising funds to provide the necessary accommodations as a part of their community action programs.

Political parties: Local political parties can be called upon to help raise funds for accessible accommodations at election polling places. If approached in an effective manner, political leaders can see a public relations benefit in helping out. It also tends to increase their awareness of people with disabilities in the community and their desire to be a part of the political process by exercising their franchise.

Civic clubs: Organizations such as the League of Women Voters and other civic organizations can be a resource for raising funds. These groups often have a very direct interest in seeing that voter turnout is maximized and therefore are quick to realize the benefit of providing accessible polling facilities for people with disabilities in their communities.

Veterans organizations: The American Legion, the Paralyzed Veterans of America and other veteran’s groups have local chapters across the country and can be called upon to help raise funds, which help their members who have disabilities get out to vote.

Local disability groups: Local disability groups, such as the chapters of the Easter Seal Society, can often be called upon to assist in raising funds to provide accessible accommodations which provide a direct benefit to their members and enhance their reputations as community organizations.

Schools: Local high schools and colleges can be approached to help raise funds. In most cases, students show considerable energy and creativity in raising money from such events as car washes, dances, and other special events. Civics and social studies classes are especially easy to approach and challenge to help raise funds.

Appendices



Common Courtesies and Guidelines

- Be considerate of the extra time it might take for a person who is disabled or elderly to get things done, and give unhurried attention to a person who has difficulty speaking.
- Speak directly to the person who has a disability rather than to a companion who may be along.
- Speak calmly, slowly and directly to a person with a hearing problem. Your facial expressions, gestures and body movements help in understanding. Don't shout or speak in the person's ear. If full understanding is doubtful, write a note to the person with a hearing problem.
- Before pushing someone in a wheelchair, ask if you may do so and how you should proceed.
- Greet a person who is visually impaired by letting the person know who and where you are. Provide a guiding device such as a ruler or card for signing forms. When offering walking assistance, allow the person to take your arm and tell him or her if you are approaching steps or inclines.
- Be aware that dogs who assist people with disabilities should be admitted into all buildings. Such dogs are highly trained and need no special care other than that provided by the owner.
- Be aware that federal law allows voters with disabilities to be accompanied and to receive assistance by another person in the voting booth.
- Remember that all voters deserve courteous attention in exercising their right as citizens to vote.
- If space allows, provide seating outside the polling place for voters to sit while they wait for rides or for their companions to vote.
- In advance of election day, offer to make available a voting booth to demonstrate to people with disabilities how it works so they can become familiar with its operation and be ready to cast their vote on election day.

**Polling Place
Accessibility
Survey Form**

COUNTY/CITY/TOWN:

POLLING PLACE NAME/NUMBER:

POLLING PLACE ADDRESS/LOCATION:

INSTRUCTIONS

The purpose of this form is to evaluate the practical accessibility of polling places to the disabled pursuant to the requirements of the Voting Accessibility for the Elderly and Handicapped Act of 1984. This form is designed to facilitate a walk-through inspection of each polling place from the parking area to the voting area. Completing the form should require no more than a yardstick, a tape measure, and approximately 30 minutes.

Please respond to *all* questions in each category by marking either "YES", "NO", or "NOT APPLICABLE", as appropriate. Items with clear boxes are *required* while items with shaded boxes are *recommended*. Thus, a "NO" response in any clear box renders the polling place INACCESSIBLE whereas a "NO" response in any shaded box renders it ACCESSIBLE BUT INCONVENIENT provided that all other responses are "YES" or "NOT APPLICABLE."

We recognize that a polling place may be inaccessible for more than one reason. It is therefore especially important to respond to every item and to summarize the responses by category on the back page.

1. Name, address, and telephone number of person completing this form:

2. Date on which inspection was conducted: _____

A. Was the inspection conducted on site? _____

**CATEGORY I:
PARKING**

	YES	NO	N/A
1. Are there off-street parking spaces either permanently or temporarily designated for the handicapped?			
2. With regard to off-street parking:			
a. Are such parking spaces at least ____ feet wide?			
b. Are such parking spaces on level ground (with a slope no greater than a rise of ____ foot in ____ feet)?			
c. Is the parking area paved (concrete, asphalt, macadam, etc.)?			
d. Are the parking spaces within a reasonable travel distance (____ feet) of the building?			
e. Is there a curb cut to connect these parking spaces to an accessible walk or to the building entrance?			
f. Are these parking spaces designated by post-mounted signs bearing the symbol of accessibility?			
3. Is there a relatively level passenger drop-off zone at least ____ feet wide with a curb-cut connecting it to an accessible walk or to the building entrance?			

**END OF CATEGORY I.
PLEASE PROCEED TO NEXT CATEGORY.**



**CATEGORY II:
WALKWAYS OR PATHWAYS TO THE BUILDING**

	YES	NO	N/A
1. Is the walkway or pathway to the building paved (concrete, asphalt, macadam, etc.)?			
2. Is the walkway or pathway to the building at least ____ inches wide?			
3. Are all curbs along the pathway to the building cut or ramped with at least a _____ clear width and with slopes of no more than a _____ inch rise in _____ inches?			
4. Are all stairs or steps along the walkway or pathway to the building either ramped (with a slope of no more than a _____ foot rise in _____ feet) or else provided with a suitable alternative means of access?			
5. Do stairsteps along the walkway or pathway to the building have non-slip surfaces and hand-rails?			
6. Is the walkway or pathway to the building entrance:			
a. free of protrusions (such as fire hydrants, tree trunks, or other obstacles) which narrow the passage to less than ____ inches?			
b. free of any abrupt edges or breaks in the surface where the difference is over _____ inches in height (such as where it crosses a driveway, parking lot, or another walkway, etc.)?			

WALKWAYS OR PATHWAYS TO THE BUILDING (cont'd)

	YES	NO	N/A
c. free of any overhanging objects (such as tree branches, signs, etc.) which hang lower than _____ inches?			
d. free of any slopes or inclines greater than a _____ foot rise in _____ feet?			
e. free of any grating with openings of over _____ inches wide?			
7. Are walkways always well lighted?			
8. Are provisions made to ensure that walkways are free of such hazards as ice, snow, leaves, or other debris on the day of election?			
9. Are there signs which identify the accessible route of travel if that route is different from the primary route of travel to the building?			

**END OF CATEGORY II.
PLEASE PROCEED TO NEXT CATEGORY.**



**CATEGORY III:
RAMPS AND ELEVATORS ENTERING OR INSIDE THE BUILDING**

	YES	NO	N/A
1. Are building stairs or steps which are over _____ inches high (either at the entrance or between the entrance and the voting area) provided either with a ramp, with an elevator, or with an alternative means of unassisted passage (such as a chairlift or an alternative route of travel)?			
2. With regard to ramps:			
a. Do all ramps have a slope no greater than a rise of _____ foot in _____ feet?			
b. Are ramps provided with non-slip surfaces?			
c. For any ramp rising more than _____ inches or longer than _____ inches or longer than _____ inches, is a handrail provided?			
d. Are handrails at least _____ inches above ramp surface?			
e. Can handrails be gripped?			
f. Are ramps and landing areas with drop-offs provided with at least a _____ inch curb at the side to prevent slipping off the ramps?			
g. If there is a door at the top of the ramp, is there a level space of at least _____ feet by _____ feet where a wheelchair can rest while the door is opened?			

RAMPS AND ELEVATORS ENTERING OR INSIDE THE BUILDING (cont'd)

	YES	NO	N/A
3. With regard to elevators (if elevators are the only accessible route):			
a. Is the elevator cab at least ____ feet by ____ feet wide?			
b. Do elevator doors provide at least ____ inches clear width?			
c. Are elevator controls less than ____ inches high (i.e. can a person in a chair operate the controls)?			
d. Are control panels marked with raised lettering?			
e. Is the elevator in close proximity to the entrance of the building?			

**END OF CATEGORY III.
PLEASE PROCEED TO NEXT CATEGORY.**



**CATEGORY IV:
OTHER ARCHITECTURAL FEATURES**

	YES	NO	N/A
1. With regard to doors along the route of travel:			
a. Do all doors have an opening which clears at least ___ inches wide?			
b. Are all door thresholds less than ___ inch high?			
c. Are all doors equipped with either arch or lever-type handles, pushplates, or automatic openers (so that twisting a doorknob is not required)?			
d. Where automatic doors are used, does the door remain open at least ___ seconds?			
e. Are glass doors marked with safety seals?			
2. With regard to stairs along the route:			
a. Do stairs have non-slip surface?			
b. Do stairs have handrails at least ___ inches above step level?			
c. Can handrails be gripped?			
d. Do all steps have risers (the little vertical walls at the back of each step)?			
e. Do all steps have tread areas at least ___ inches deep?			

OTHER ARCHITECTURAL FEATURES (cont'd)

	YES	NO	N/A
f. Are all steps less than ____ inches in height?			
g. Are stairs well lit?			
h. Are stairs free of obstacles?			
3. With regard to corridors along the route:			
a. Is the corridor at least ____ inches wide?			
b. Is the corridor free of obstacles or protrusions (such as boxes, water fountains, etc.) which extend more than ____ inches from the wall?			
c. Is there sufficient lighting at all points along the route?			
d. Is there a seating or rest area in any corridor longer than ____ feet?			
e. Does the corridor have a non-slip surface?			
f. Are all rugs and mats securely fastened?			

**END OF CATEGORY IV.
PLEASE PROCEED TO NEXT CATEGORY.**



**CATEGORY V:
FEATURES WITHIN THE VOTING AREA**

	YES	NO	N/A
1. Are instructions for voting printed in _____ point or larger type in simple language, and plainly displayed?			
2. Is there sufficient unobstructed space for the reasonable movement of voters in wheelchairs?			
3. Can all necessary parts of the voting equipment be reached by a person seated in a chair or, at least, is an alternative means of casting a ballot provided?			
4. Are magnifying devices available for those who request them?			
5. Is there adequate lighting in the voting area?			
6. Is seating available for elderly or handicapped voters awaiting their turn to vote?			

END OF CATEGORY V:



OTHER REASONS FOR INACCESSIBILITY (Describe):

A large, empty rectangular box with a black border, intended for describing other reasons for inaccessibility.

**PLEASE COMPLETE THE SUMMARY
OF ACCESSIBILITY ON BACK**



SUMMARY OF ACCESSIBILITY BY CATEGORIES

Please review the responses within each category on the previous pages and indicate below whether each category is:

- **INACCESSIBLE** (if there is a "NO" response in *any* unshaded box in the category)
- **ACCESSIBLE BUT INCONVENIENT** (if all "NO" responses in the category are only in *shaded* boxes and all the responses in the *unshaded* boxes are either "YES" or "N/A".)
- **FULLY ACCESSIBLE** (if *all* responses in the category are either "YES" or "N/A")

Category	Inaccessible	Accessible But Inconvenient	Fully Accessible
I. Parking			
II. Walkways or pathways to building			
III. Ramps and elevators entering or inside of the building			
IV. Other architectural features			
V. Voting area			
VI. Other			

OVERALL DETERMINATION OF POLLING PLACE ACCESSIBILITY (mark one box only)

If one or more of the categories above is marked "INACCESSIBLE", then the polling place isINACCESSIBLE

If no category is marked "INACCESSIBLE" but one or more is marked "ACCESSIBLE BUT INCONVENIENT" then the polling place isACCESSIBLE BUT INCONVENIENT

If *all* categories above are marked "FULLY ACCESSIBLE", then the polling place isFULLY ACCESSIBLE

DISPOSITION OF INACCESSIBLE POLLING PLACE

If the polling place is INACCESSIBLE		Yes	No
a. Has an alternative accessible facility been sought?		<input type="checkbox"/>	<input type="checkbox"/>
b. Are permanent or temporary alterations planned to render the polling place accessible in the coming general election?		<input type="checkbox"/>	<input type="checkbox"/>

Appendix C



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 7, 1991

OFFICE OF THE CHAIRMAN

The Honorable Bob Livingston
United States House of Representatives
Washington, D.C. 20515

Dear Representative Livingston:

The purpose of this letter is to advise you of this Commission's understanding of the relationship between the Voting Accessibility for the Elderly and Handicapped Act (VAA) of 1984 and the Americans with Disabilities Act (ADA) of 1990.

As you know, the Federal Election Commission (FEC) has certain duties and responsibilities both under the Federal Election Campaign Act (2 U.S.C. 438(a)(10)) and under the VAA (42 U.S.C. 1973ee-1). Pursuant to these obligations, we have received over the past few weeks a number of questions from State and local election officials regarding the impact of Title II of the ADA on the requirements of the VAA. Moreover, you will recall that in the May 14, 1991 hearing on the VAA held before the House Subcommittee on Elections, you requested of this Commission, "Either now or for the record, would you state your understanding of how these two Acts interrelate?" This letter, then, responds to that request.

The questions coming to us address four general issues:

- o the appropriate standards to use in determining the accessibility of existing physical facilities (with special reference to polling places)
- o the extent to which individual instances of inaccessible polling places or registration sites might be actionable under the ADA
- o the nature of the auxiliary aids required for the disabled, and
- o the application of the self-evaluation requirements imposed on public entities by the ADA.

In examining these issues, this Commission has read with interest the Department of Justice (DOJ) regulations (28 CFR Part 35) and has reached the following conclusions.

o Item 1: The appropriate standards to use in determining the accessibility of existing physical facilities.

Subsection 3(a) of the VAA (42 U.S.C 1973ee-1) requires, essentially, that all polling places for Federal elections be accessible to elderly and handicapped voters. Section 8 of the VAA (42 U.S.C. 1973ee-6) further defines "accessible" to mean "accessible to handicapped and elderly individuals for the purpose of voting or registration, as determined under guidelines established by the chief election officer of the State involved."

At the specific request of the House Subcommittee on Elections in its October 6, 1987 hearing on the VAA, this Commission (in consultation with the Coalition for Voter Accessibility and the National Association of Secretaries of State) recommended a set of polling place accessibility criteria in order to assist the chief election officers of the States in developing their accessibility guidelines. These criteria have subsequently been adopted by approximately 40 of the States.

Subsection 35.151(c) of the DOJ regulations offers at least two alternative sets of accessibility criteria for New Construction and Alterations -- either the Uniform Federal Accessibility Standards (UFAS) or else the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities (ADAAG). Importantly, however, this section further states that "Departures from particular requirements of either standard by the use of other methods shall be permitted when it is clearly evident that equivalent access to the facility or part of the facility is thereby provided."

Section 35.150 of those regulations provides no parallel guidance with respect to physical accessibility criteria for Existing Facilities.

Yet, even if the standards for new constructions suggested in Subsection 35.151(c) apply equally to existing facilities, it is this Commission's understanding that any polling place accessibility guidelines established by the chief election officer of a State would satisfy the requirements of the ADA if they clearly provide "equivalent access to the facility." Further, it is our understanding that the polling place accessibility criteria recommended by this Commission, because it is clearly evident that they would provide equivalent access to

the facility, therefore satisfy the requirements of the ADA provided that the particular measures left blank on the form are not less than the standards set forth in the UFAS or ADAAG standards.

o Item 2: The extent to which individual instances of inaccessible polling places or registration sites might be actionable under the ADA.

Subsection 3(b) of the VAA (42 U.S.C. 1973ee-1) provides for certain exceptions to the general requirement of ensuring that all polling places for Federal elections be accessible. These exceptions are:

- (1) in the case of an emergency, as determined by the chief election officer of the State; or
- (2) if the chief election officer of the State--
 - (A) determines that all potential polling places have been surveyed and no such accessible place is available, nor is the political subdivision able to make one temporarily accessible, in the area involved; and
 - (B) assures that any handicapped or elderly voter assigned to an inaccessible polling place, upon advance request of such voter (pursuant to procedures established by the chief election officer of the State)--
 - (i) will be assigned to an accessible polling place, or
 - (ii) will be provided with an alternative means for casting a ballot on the day of the election.

At the same time, Section 4 of the VAA (42 U.S.C. 1973ee-2) requires that:

- (a) Each State or political subdivision responsible for registration for Federal elections shall provide a reasonable number of accessible permanent registration facilities.
- (b) Subsection (a) does not apply to any State that has in effect a system that provides an opportunity for each potential voter to register by mail or at the residence of such voter.

In reviewing the DOJ regulations, we note that the exceptions and procedures provided for in the VAA conform nicely to the concept of "program accessibility" enunciated in the preamble to Section 35.150. Moreover, we note that Subsection 35.150(a) of the regulations provides that:

A public entity shall operate each service, program, or activity so that the service, program, or activity, when viewed in its entirety [emphasis added], is readily accessible to and usable by individuals with disabilities. This paragraph does not--

- (1) Necessarily require a public entity to make each of its existing facilities [emphasis added] accessible to and usable by individuals with disabilities.

Accordingly, it is this Commission's understanding that the ADA has the effect of expanding the requirements of the VAA to encompass polling places and registration sites in all, rather than just Federal, elections.

Further, it is our understanding that individual instances of inaccessible polling places or registration sites are not in and of themselves actionable under the ADA provided that: (a) they result from the exceptions encompassed by Subsection 3(b) and Section 4 of the VAA, (b) they are accompanied by the alternative procedures provided for by Subsection 3(b) and Section 4 of the VAA, and (c) they are not part of an overall pattern or practice of discrimination against disabled persons in the registration or voting process.

In a related matter involving liability, we note that Subsection 35.150(d)(2) of the regulations assigns responsibility for "providing curb ramps or other sloped areas where pedestrian walks cross curbs" to that public entity which "has responsibility or authority over streets, roads, or walkways."

It is this Commission's understanding, then, that although curb ramps are an essential criterion in determining the accessibility of a polling or registration facility, election officials (who do not have authority over streets, roads, or walkways) cannot, under the ADA, be held legally accountable for failing to provide them (and that any legal action under the ADA involving curb ramps should instead be directed to the public entity that has authority over them).

o Item 3: The nature of the auxiliary aids required for the disabled.

Subsection 5(a) of the VAA (42 U.S.C 1973ee-3) requires that:

Each State shall make available registration and voting aids for Federal elections for handicapped and elderly individuals, including --

- (1) instructions, printed in large type, conspicuously displayed at each permanent registration facility and each polling place; and
- (2) information by telecommunications devices for the deaf.

Section 208 of the Voting Rights Act (42 U.S.C 1973aa-6) requires that:

Any voter who requires assistance to vote by reason of blindness, disability, or inability to read or write may be given assistance by a person of the voter's choice, other than the voter's employer or agent of that employer or officer or agent of the voter's union.

Section 35.161 of the DOJ regulations requires telecommunication devices (TDD's) for the hearing or speech impaired while Subsection 35.160(b) states that:

- (1) A public entity shall furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity conducted by a public entity.
- (2) In determining what type of auxiliary aid and service is necessary, a public entity shall give primary consideration to the requests of the individual.

Subsection 35.160(b) is conditioned, however, by Section 35.135, which excludes purely personal devices and services, and by Section 35.164, which excludes any action that a public entity can demonstrate "would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens."

Section 35.164 further provides that the head of the public entity (or a designee) carries the responsibility of proving any such burden in a written statement. And even so, it provides that:

If an action required to comply with this subpart would result in such an alteration or such burdens, a public entity shall take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that, to the maximum extent possible, individuals with disabilities receive the benefits or services provided by the public entity.

These things taken together, it is this Commission's understanding that meeting the requirements of the VAA, of the polling place accessibility criteria recommended by this Commission, and of Section 208 of the Voting Rights Act (VRA) would satisfy the requirements of the ADA with regard to the communication needs of the hearing impaired, of the visually impaired, and, to some extent, of the totally blind. With regard to the totally blind, however, election offices must now provide additional auxiliary services. These services need not necessarily include providing taped, recorded, or braille ballots, registration forms, or other public records or documents if the head of the election office has determined in writing that such services would constitute an undue administrative or financial burden. But services must include, at a minimum, effective means of providing access to the election process such as providing someone qualified to read and to help in the completion of the registration form, to read and to help in the completion of the ballot (should the blind individual not request the assistance of another under Section 208 of the VRA), and to read other public documents.

o Item 4: The application of the self-evaluation requirements imposed on public entities by the ADA.

Subsection 3(c)(1) of the VAA (42 U.S.C. 1973ee-1) provides that:

each State shall report to the Federal Election Commission, in a manner to be determined by the Commission, the number of accessible and inaccessible polling places in such State on the date of the preceding general Federal election, and the reasons for any instance of inaccessibility.

In practice, this requirement is met by local election officials surveying their polling places on the basis of accessibility criteria recommended either by this Commission or by the chief election officer of the State.

Subsection 35.105(a) of the DOJ regulations states that:

A public entity shall, within one year of the effective date of this part, evaluate its current services, policies, and practices, and the effect thereof, that do not or may not meet the requirements of this part and, to the extent modification of any such services, policies, and practices is required, the public entity shall proceed to make the necessary modifications.

It is this Commission's understanding that (1) such a self-evaluation on the part of local election offices extends to an evaluation of polling places, but that (2) a survey of polling places pursuant to the requirements of the VAA and based on the criteria recommended by this Commission would satisfy at least that aspect of the ADA requirement. The ADA simply expands such self-evaluation to include the central office and any other outlying or satellite offices or registration facilities.

o Item 5: Miscellaneous Issues

(A) With regard to providing public notice, Subsection 5(c) of the VAA (42 U.S.C. 1973ee-3) requires that:

The Chief election officer of each State shall provide public notice, calculated to reach elderly and handicapped voters, of the availability of aids under this section, assistance under Section 208 of the Voting Rights Act of 1965 (42 U.S.C. 1973aa-6), and the procedures for voting by absentee ballot, not later than general public notice of registration and voting is provided.

Concomitantly, Section 35.106 of the DOJ regulations states that:

A public entity shall make available to applicants, participants, beneficiaries, and other interested persons information regarding the provisions of this part and its applicability to the services, programs, or activities of the public entity, and make such information available to

them in such manner as the head of the entity finds necessary to apprise such persons of the protections against discrimination assured them by the Act and this part.

Subsection 35.163(a) states that:

A public entity shall ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of accessible services, activities, and facilities.

It is this Commission's understanding that the public notice requirements of the ADA would be satisfied by the incorporation of such information into the public notices required by the VAA.

(B) With regard to signage, we note that Subsection 35.163(b) of the DOJ regulations states that:

A public entity shall provide signage at all inaccessible entrances to each of its facilities, directing users to an accessible entrance or to a location at which they can obtain information about accessible facilities. The international symbol for accessibility shall be used at each accessible entrance of a facility.

By the same token, item 9 in category II of the polling place accessibility criteria recommended by this Commission requires that there be "signs which identify the accessible route of travel if that route of travel is different from the primary route of travel to the building."

It is this Commission's understanding that, with the addition of the international symbol of accessibility at accessible entrances, adherence to the FEC accessibility criteria would satisfy the signage requirements of the ADA.

(C) With regard to special requirements imposed by the ADA on public entities that employ 50 or more persons, we note that Subsection 35.105(c) of the DOJ regulations states that:

A public entity that employs 50 or more persons shall, for at least three years following completion of the self-evaluation, maintain on file and make available for public inspection:

- (1) A list of the interested persons consulted;
- (2) A description of areas examined and any problems identified; and
- (3) A description of any modifications made.

Section 35.107 of the regulations further requires that public entities employing 50 or more persons shall "designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under this part", "shall make available to all interested individuals the name, office address, and telephone number" of such designated employee, and "shall adopt and publish grievance procedures providing for prompt and equitable resolution of complaints alleging any action that would be prohibited by this part."

And finally, Subsection 35.150(d)(1) requires, in part, that:

In the event that structural changes to facilities will be undertaken to achieve program accessibility, a public entity that employs 50 or more persons shall develop, within six months of January 26, 1992, a transition plan setting forth the steps necessary to complete such changes.

and that such a plan must involve the participation of interested persons and be made available to the public.

It is this Commission's understanding that while these requirements apply to local election offices employing 50 or more persons, such employees do not, for these purposes, include part-time, temporary, or seasonal employees such as election day workers or deputy registrars.

o Item 6: Summary

In summary, it is this Commission's understanding that the ADA imposes the following additional requirements on election officials: That --

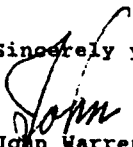
- (1) polling places and registration sites now be made accessible in all, rather than just Federal, elections (as noted in Item 2);
- (2) election offices now provide certain additional auxiliary services to the blind (as noted in Item 3);

- (3) local election offices now extend their self-evaluation to include central office as well as satellite facilities (as noted in Item 4);
- (4) the international symbol for accessibility be used at each accessible entrance of a facility (as noted in Item 5); and
- (5) election offices that employ 50 or more persons now meet certain special requirements (as noted in Item 5).

With the addition of these five measures, full compliance by State and local election officials with the provisions of the Voting Accessibility for the Elderly and Handicapped Act along with strict adherence to the accessibility criteria recommended by the Federal Election Commission would constitute their full compliance with Title II of the Americans with Disabilities Act. Further, any failure by State or local election officials to comply fully with the provisions of the VAA or with the FEC accessibility criteria might be actionable under the ADA.

We hope this information fully responds to your request. Should you have any other questions regarding these matters, please do not hesitate to contact us.

Sincerely yours,


John Warren McGarry
Chairman
Federal Election Commission

cc: Representative Al Swift, Chairman
House Subcommittee on Elections

John Wodatch, Director
Office on the Americans with Disabilities Act
Department of Justice

APPENDIX D

National Disability Organizations

The Paralyzed Veterans of America
801 18th Street, NW
Washington, DC 20006
(202) 872-1300

United Cerebral Palsy Associations

1660 L Street, Suite 700
Washington, D C 20036
(202) 776-0406

The National Easter Seal Society

70 East Lake Street
Chicago, IL 60601
(312) 726-6200

The National Organization of Disability

910 16th Street, NW
Suite 600
Washington, DC 20006
(202) 293-1960

National Institute for Disability and Rehabilitative Research

U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202
(202) 732-1134

American Foundation for the Blind

15 West 16th Street
New York, NY 10011
(212) 620-2000

National Rehabilitation Association

633 South Washington Street
Alexandria, VA 22314
(703) 386-0850

National Multiple Sclerosis Society

205 East 42nd Street
New York, NY 10017
(212) 986-3240

Muscular Dystrophy Association

810 Seventh Avenue
New York, NY 10019
(212) 586-0808

National Head Injury Foundation

P.O. Box 567
Framingham, MA 01701
(617) 879-7473

APPENDIX E

Terms and Descriptions

ADA: These initials refer to the Americans with Disabilities Act, a Federal civil rights law enacted in 1990. The law extends civil rights protections to persons with disabilities in employment, transportation, public accommodations, state and local services, and telecommunications.

Accessibility: This term refers to aspects or elements of the design, construction, or operation of a facility that are intended to make the performance of basic activities easier and safer for as many people as possible, including those with disabilities. Accessible elements can be special provisions for wheelchair users such as a ramp or different provisions for a spectator who is deaf such as a TDD telephone.

Amputation: Surgery resulting in a missing body part such as an arm, leg, or hand.

Autism: Autism is a developmental disability that significantly affects the way in which a person learns to communicate and develop social relationships.

Auxiliary aids and services: This ADA phrase refers to technologies or operational procedures that facilitate effective communication. Examples of auxiliary aids and services are assistive listening devices for individuals who are hard-of-hearing, sign language interpreters for individuals who are deaf, and descriptive services for individuals who are blind.

Blindness/Vision impairment: “Blindness” refers to a total loss of vision. “Vision impairment” refers to partial vision, which may also be correctly called partial sight.

Cerebral palsy: Umbrella term for a group of disabling conditions resulting from central nervous system damage. Do not assume that a person with cerebral palsy also a mental retardation; the two disabilities do not necessarily or typically occur together.

Congenital disability: A disability that has existed since birth. Do not use the term “birth defect;” the word “defect” is not a synonym of “disability.”

Deafness/Hard of hearing: “Deafness” refers to a total loss of hearing. “Hard of hearing” refers to partial hearing loss and a range of hearing disabilities from slight to severe. People with hearing impairments sometimes use American Sign Language (ASL), a visual gestural language.

Developmental disability: Any mental or physical disability manifested before the age of 22 that may continue indefinitely and result in substantial limitation in three or more of the following life activities:

- self care
- receptive and expressive language
- learning
- mobility
- self-direction
- independent living
- economic sufficiency

Disability: A condition caused by accident, trauma, genetics or disease which may limit a person’s mobility, hearing, vision, speech or mental function. Some people have one or more disabilities

Epilepsy: Umbrella term for various disorders marked by disturbed electrical rhythms of the central nervous system and typically manifested by seizures-involuntary muscular contractions.

Handicap: A physical or attitudinal constraint that is imposed upon a person, regardless of whether or not that person has a disability. Webster’s Ninth New Collegiate Dictionary defines handicap as “to put to a disadvantage.”

Learning disability: A disorder in one or more of the basic psychological processes involved in understanding or in using spoken or written language, which may affect one’s ability to listen, think, speak, read, write, spell, or do mathemati-

cal calculations. The term includes such conditions as perceptual handicaps, brain injury, minimal brain disfunction, dyslexia, and developmental aphasia.

Mental Illness/Mental disorder: Disturbances of thinking, feeling and behaving that may be due to physical or psychological factors. Do not use terms such as “mentally deranged,” “deviant” or “crazy.” “Mental disorder” is a more comprehensive term that describes any of the recognizable forms of mental illness or severe mental disorders. These specific forms include “schizophrenia,” “psychosis,” “mania,” or “depression.” Such terms have well-defined clinical meaning and should not be used casually. Also, people are not “schizophrenics,” but should be described as persons with “schizophrenia.”

Paraplegia/Hemiplegia/Quadriplegia: “Paraplegia” refers to paralysis of the lower half of the body involving the partial or total loss of function of both legs. “Hemiplegia” refers to full or partial paralysis of one side of the body caused by brain damage most often due to disease, trauma, or stroke. “Quadriplegia” refers to paralysis of the body involving partial or total loss of function in both arms and both legs.

Personal attendants: Attendants help people with some types of disabilities in a wide range of difficult activities including eating, mobility, and toileting. An attendant may be a paid professional employee or a friend or relative. Attendants should be allowed to accompany people with disabilities in order to provide necessary assistance in the polling booth.

Service animals: Seeing eye dogs and other animals that are used to assist individuals with disabilities are called service animals. These animals are permitted to accompany their owner into any polling place.

Speech impairment: Limited or difficult speech patterns. The presence of a speech im-

pairment does not mean that there is a problem in hearing or in mental ability.

TDD: These initials refer to a Telecommunication Device for the Deaf (also called text telephones). These devices allow the transmission of written text over telephone lines through use of a special relay system. TDD units can be either portable equipment that are used in conjunction with conventional telephones or special keyboards that are built-in to a public pay telephone. Most venues will have TDD's available.

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