

**Polling Place Accessibility:
Ensuring Access for Voters with
Disabilities—Charleston County
Special Election August 13, 2013**

**Protection and Advocacy for
People with Disabilities, Inc.**

EVERYRIGHT.
ENSURING ACCESS FOR VOTERS WITH DISABILITIES

About Protection and Advocacy for People with Disabilities, Inc.

Since 1977 Protection and Advocacy for People with Disabilities has been an independent, statewide, non-profit corporation that protects and advances the legal rights of people with disabilities. Under annual priorities set by a volunteer Board of Directors, P&A investigates reports of abuse and neglect and advocates for disability rights in areas such as health care, education, employment and housing. P&A serves people of all ages and disabilities. P&A does not charge for its services. P&A's mission is to protect and advance disability rights. P&A's vision in South Carolina, is individuals with disabilities will be fully integrated into the community with control over their own lives; be free from abuse, neglect and exploitation; and have equal access to services.

P&A can be contacted by telephone, email or Facebook at 866-275-7273 (statewide), 803-782-0639 (local and out of state), info@pandasc.org or [facebook/pandasc.org](https://www.facebook.com/pandasc.org).

POLLING PLACE ACCESSIBILITY: Ensuring Access to Voters with Disabilities – Charleston County – August 13, 2013

Executive Summary

Voting isn't a right. It's *the* right – the one that all our others depend upon, yet voters with disabilities often face barriers in the voting process. From inaccessible polling places and voting machines to inadequately trained poll workers, people with disabilities face a number of obstacles in participating in the democratic process.

In October 2002 Congress passed the Help America Vote Act (HAVA) which established requirements for voting systems nationwide. HAVA gave individuals with disabilities the right to participate in elections as other voters do, including the right to vote privately. HAVA was inspired by the 2000 presidential election recount and includes key provisions on improving access to polling places and voting systems for people with disabilities.

HAVA also created a Protection and Advocacy for Voting Access (PAVA) program. In South Carolina PAVA is part of Protection and Advocacy for People with Disabilities, Inc. (P&A). The goal of PAVA is to ensure that people with disabilities can fully participate in the voting process, from registering to vote, to accessing the polling place, to casting votes. PAVA's program goals also include assuring that voters with disabilities can vote privately and independently.

In December 2012 P&A issued a report summarizing nearly 300 polling place accessibility surveys completed on November 5, 2013 in 23 of the 46 counties in South Carolina. At the conclusion of this report P&A provided four recommendations to the SC Election Commission to help ensure that all voters have the right to vote. The findings of P&A's August 2013 polling place accessibility surveys in Charleston County were similar to those identified during SC's November 2012 Election Day.

The SC Election Commission and each county election commission need to ensure that all voters, including people with disabilities, have the right to vote. We all need to ensure:

- **Poll workers have the training needed to work effectively with all voters, especially people with disabilities.**

According to Census data, one in nine voting age Americans has a disability, including more than a third of voters who are 65 or older. As evidenced by this polling place accessibility survey, not all voters were provided an equal opportunity to vote. The SC Election Commission and each county election commission need to review the training provided to poll workers to assure that all poll workers are knowledgeable of the needs and abilities of people with disabilities. It is also recommended that poll workers are provided with training on how to interact with people with disabilities. This training needs to include person first language, how to offer assistance, and how to effectively

communicate. It would be beneficial to the poll workers and to voters if the training was provided by people with disabilities.

- **Polling places are accessible to all voters, especially people with disabilities – from the parking lot to the voting machines.**

As discussed in this report, voters with disabilities encounter barriers in all areas surveyed, including lack of accessible parking spaces, inconsistent implementation of curbside voting, and difficulty accessing the voting area.

The SC Election Commission and each county election commission need to review the polling places in each county to ensure that all aspects of the precincts are accessible for all voters, including voters who use wheelchairs, scooters, or who have difficulty walking. If a polling place has barriers there may be temporary solutions that can be implemented on Election Day and there may be cases where a polling place needs to be relocated. It would be beneficial to the county election commissions and to all voters to have people with disabilities involved in the review of the polling places and in the selection of new polling places.

- **Curbside voting is implemented consistently at all precincts and poll workers are provided needed training on the implementation.**

The implementation of curbside voting from one polling place to another varied significantly. Some polling places consistently monitored the curbside voting area while some did not monitor the curbside area at all. Rather, the poll workers waited for someone to come into the polling place to notify them that curbside assistance was needed or they waited for a voter to ring a buzzer at the curbside. A few polling places did not even offer curbside voting to voters.

The SC Election Commission and each county election commission need to review the curbside voting process to ensure that poll workers have the training needed to implement it consistently. Voters with disabilities or elderly voters are unable to enter the polling place must be provided an equal opportunity to vote at their polling place. If a voter with a disability has an assistant that travels with them to the polling place, the assistant should also be provided the opportunity to vote at the same time, curbside.

It would be beneficial to the county election commissions and to all voters to have people with disabilities involved in the review of the curbside voting process to ensure the process meets the needs of all voters.

- **Every precinct has the required number of poll workers to assist all voters.**

The SC Election Commission and each county election commission need to review the criteria for determining how many poll workers are required to be at each polling place.

This number needs to include at least one poll worker to be dedicated to the curbside voting area and enough poll workers to meet the needs of all voters, especially voters with disabilities.

It would be beneficial to the county election commissions and to all voters to have people with disabilities involved in the process of determining the number of poll workers needed and the various duties needed to ensure that voters with disabilities are provided needed assistance.

Only then can people with disabilities exercise the right to vote privately and independently.

Polling Place Accessibility Survey Findings

Overview of Surveys Completed

On Tuesday, August 13, 2013 Charleston County held primaries to nominate candidates for the October 1, 2013 Special Election for State Senate District 42. P&A staff completed polling place accessibility surveys at 24 (65%) of the 37 precincts in District 42. The survey focused on areas of a polling place that are important to all voters, especially voters with disabilities, including parking, the entrance to the polling place, the voting area, and the availability of assistance, if needed.

Access to Parking

In order to access a polling place, voters with disabilities may need a parking space close to an accessible entrance. Seventeen of the 24 precincts had accessible parking; seven precincts did not, making it difficult for some voters to access voting. For example, at one precinct voting was held in one of the church buildings. There were accessible parking spaces in the front of the church, but voting was in a building on the back of the church grounds. At this building the parking area was grass and dirt and there was no accessible parking.



Grass & Dirt Parking Area



At another precinct the parking area consisted of dirt and overgrown grass. At a few precincts there was only street parking which was not accessible.

Fourteen of the 24 precincts had van accessible parking spaces with visible signs. Ten precincts did not have a parking space that was van accessible and provided room for a voter to open a car door fully and stand with the aid of a walker, to transfer to a wheelchair, or to lower a wheelchair lift. Seven of the 24 precincts did not have accessible parking spaces on the shortest route to the polling place.

At 16 of the 24 precincts the parking areas were level and clear of gravel and mud. At four precincts the parking area surfaces were not level, making it difficult for some voters to access voting. (Note: At four locations there was only off street parking and not a designated parking area.)

Some voters may be driven to the polls and may need to be dropped off, closest to the accessible entrance. The polling precinct would need to have a marked drop-off area close to the entrance for these voters. Sixteen of the 24 precincts did not have a marked drop-off area.

Access to Curbside Voting

On Election Day curbside voting must be available for voters who, because of their physical disability or age (65 or older), cannot enter their polling place or who are unable to stand in line to vote. Curbside voting allows these voters to vote in their cars, in the closest available parking area. Under State Election Commission policy, a poll worker must monitor the curbside voting area every 15 minutes.

On Election Day seven of the 24 precincts did not have a sign stating “Curbside Voting.”

At one precinct the Curbside Voting sign was posted on the front door, more than 20 feet from the parking lot. The sign was also not visible from the parking lot.



The curbside voting areas at some polling precincts also served as the accessible parking space. If a voter parked in the accessible parking space, the curbside voting area was blocked and not available for curbside voters.



Curbside Voting Sign on Front Door



At another precinct there was no sign for curbside voting. Poll workers explained the curbside voting area was around the back of the building where there was no signage even for voting.



At another precinct there was very good signage for voting, but no curbside voting signs.



At 10 of the 24 precincts poll workers did not monitor curbside voting every 15 minutes. One poll worker explained they check curbside “one time an hour.” They also reported that if kids are playing outside they will notify the poll workers if someone needs curbside voting. At another precinct poll workers reported they check curbside voting “every once in a while.” At one polling site poll workers reported older people usually use curbside voting and “whoever brings them” comes inside and notifies the poll workers. At another polling precinct the poll workers explained voters with disabilities “do not come alone” and whoever “brings them” comes inside to get a poll worker.



At one precinct the curbside voting sign was taped to a tree several feet from the curb making it difficult to locate. Poll workers reported they “randomly go out” to check curbside. The curbside area was more than 50 feet from the entrance.

At a few precincts there was a buzzer on a pole for curbside voting. At one precinct the buzzer was on a curb, not be accessible to all voters. At one precinct poll workers reported they do not check curbside voting since they have the bell. Another precinct using a buzzer also reported they do not check curbside and wait for a voter to ring the buzzer.



In addition, at many polling precincts the signs were simply not large enough for voters to easily locate. Also, poll workers are provided with blue painter's tape to hang the polling signs on the outside of buildings on brick, stucco and other rough surfaces. The manufacturer of painters tape states a "greater adhesion level tape" is needed "for masking brick, concrete, stone, unfinished wood and other really rough surfaces."

Access to the Polling Place Entrance

To be accessible, a polling precinct must have at least one accessible entrance. The accessible entrance must be connected to an accessible route. If the accessible entrance is not easily visible, signs are needed to direct voters to the correct entrance. If a ramp is used it must be stable and not too steep.

The ramp may also need to have handrails on both sides. An accessible entrance and route is essential for voters with disabilities who may have difficulty walking or who use wheelchairs or other assistive devices.

At 12 of the 24 precincts there no signs posted showing a voter how to get to the accessible entrance. At one precinct the accessible entrance sign was several feet from the street to the side of a bricked area, making it difficult to locate. (See photo below.)



Twenty-one of the 24 precincts had a clear and level route of travel from the parking areas to the entrance without stairs or curbs. Three precincts did not have clear and level routes. For example, at one precinct the poll workers reported they did not have a key to the accessible entrance. As a result voters with disabilities who needed a ramp to enter the building had to vote outside. The parking area was dirt and grass and was not flat. Poll workers also explained

that even if they had the key to the accessible entrance they could not have used it as there was a large water leak from the ceiling in that entryway. On Election Day there were two large trash cans at the accessible entrance under the leak.

When a ramp was used, at three polling precincts the ramps were not stable, were too steep and/or did not have handrails on both sides.

An accessible polling place must also assure that the path of travel from the parking area to the voting area is free of objects that cannot be detected by a voter who is blind or who has low vision. For example, sidewalks need to be free of wall mounted boxes or signs. The path of travel from the parking area to the door was clear for a person who was blind or who has low vision at all 24 precincts.

The entrance to the polling precinct must also be wide enough for voters who use wheelchairs or other mobility devices such as walkers or scooters. In addition, the entrance door must be able to be opened with one hand, without tight grasping or pulling hard. A round knob does not meet this requirement. At 15 of the 24 precincts the entrance door handles could be easily opened with one hand. At 23 of the 24 polling precincts doorways were wide enough for voters using wheelchairs and other devices. At six polling precincts the entrance doors were difficult to open with one hand because the doors were very heavy.

Access to the Voting Area

The interior of a polling place is frequently made up of corridors leading to a room with voting machines. The voting area must be arranged in a way that allows easy movement for voters who use wheelchairs or other mobility aids, or who have difficulty walking. A voter needs to be able to easily access the voting materials, the check-in table and the voting machines. Also, for some voters with disabilities, it is essential to have a place to rest while waiting in line to vote.

At all 24 polling precincts visited there was a clear path to the voting area so that a person who used an assistive device could access the voting materials, check-in, and use the voting machines. All voting areas were also arranged inside in a way that made for easy movement for voters who used wheelchairs or other assistive devices. Twenty two of the 24 polling precincts had a place for voters to rest while waiting in line. All 24 polling precincts had voting information posted at eye level for a voter who used a wheelchair.

Access to Accessible Ballots

Voters who are blind or who have low vision require accessible formats such as audio ballots, large print or Braille. Poll workers also need to have training to communicate effectively with people with disabilities. Accessible ballots were not available at any of the 24 polling precincts. As a result some voters with disabilities could not vote independently. At 15 of the 24 polling precincts visited it did not appear that poll workers could effectively communicate with a person who was deaf or hard of hearing. At one polling precinct the poll worker explained that they had a poll worker who worked with the voters who were deaf, but she had to leave due to

an emergency. At one polling precinct the poll workers explained they had "no way to communicate" with a voter who was blind. When talking about voters with disabilities, a poll worker at another site stated, "They (voters with disabilities) have to come with someone."

Access to Needed Assistance

Voters with disabilities have the right to vote independently or with help. A voter with a disability can ask for assistance in the voting booth, if needed. If a voter needs assistance in marking a ballot, the voter can ask a poll manager or choose any person as long as it is not an employer or agent of the employer. A voter who is a union member cannot ask an officer or agent of the union to assist in voting.

All poll workers reported there were no barriers preventing people with disabilities from voting, however, at two polling precincts problems were observed when poll workers assisted voters that used wheelchairs. At one polling site a poll worker was assisting a voter who uses a wheelchair to vote outside as the precinct did not have a key to unlock the accessible entrance. The poll worker held the voting machine in the voter's lap and the poll worker continually leaned over the top of the machine, easily seeing how the individual was voting. The voter was not provided any privacy. At another polling precinct the poll worker brought a voting machine outside to assist a voter. The voter lived locally and came to the site in a motorized wheelchair. The poll worker came outside with the voting machine. The voter could not hold the voting machine. The poll worker then took the machine to place it on the voter's lap. The poll worker never asked the voter what would work best. When the poll worker brought the voting machine in front of the voter the machine came in contact with the wheelchair's joy stick. The wheelchair then lurched forward, startling the voter and running into the poll worker who was holding the voting machine.

Photo ID & Reasonable Impediment

At all 24 polling precincts poll workers reported there were no voters who were denied the right to vote because they did not have photo ID. At one polling precinct a poll worker explained they had two voters that morning that did not have photo ID with them. One went home and quickly brought their photo ID back. The other voter was reportedly expected to return to the polling site that afternoon. At all 24 polling precincts poll workers reported it was not necessary for any voter to complete a reasonable impediment affidavit.

Comparing Charleston in August 2013 to P&A's November 2012 Statewide Survey

Overall in comparing the 24 Charleston County precincts visited in August 2013 to P&A's November 2012 statewide survey, in five areas Charleston precincts were more accessible. Specifically, at each of the 24 precincts visited information was at eye level for a voter who used a wheelchair, the voting area was easy to navigate and the path of travel from the parking area to the voting area was barrier free. In Charleston County with the exception of one precinct, doorways in all 24 precincts were wide enough for voters who used wheelchairs and at 22 of the 24 precincts there were places for voters to rest while waiting in line.

As further detailed in Figure 1, voters with disabilities may have encountered more barriers in Charleston precincts as compared to the entire state due to not having accessible ballots at any of the 24 precincts. Also, at 16 of the 24 Charleston precincts there were no marked drop-off areas which may be needed by some voters. As compared to the entire state, Charleston precincts also had more precincts that did not have signs identifying the accessible entrance and that did not have accessible and van accessible parking.

The barriers noted with curbside voting were similar to those statewide. In Charleston and statewide 44% of the precincts reviewed poll workers did not monitor curbside voting every 15 minutes. Also, curbside voting signs were not posted at some precincts (29% in Charleston vs. 37% statewide).

Voting isn't *a* right. It's *the* right – the one that all our others depend upon, yet as evidenced by the surveys of 24 Charleston County precincts voters with disabilities often face barriers in the voting process. From inaccessible polling places and voting machines to inadequately trained poll workers, people with disabilities face a number of obstacles in participating in the democratic process.

We all need to ensure:

- Poll workers have the training needed to work effectively with all voters.
- Polling places are accessible to all voters from the parking lot to the voting machines.
- Curbside voting is implemented consistently at all precincts and poll workers are provided needed training on implementation.
- Every precinct has the required number of poll workers to assist all voters.

Only then can people with disabilities exercise the right to vote privately and independently.

FIGURE 1: Charleston County vs. Statewide

