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DIRECTIVE 2012-09

January 31, 2012

To: All County Boards of Elections

Re: Access to Polling Locations and Verification of Accessible Polling Locations

SUMMARY

All county boards of elections are required by both state and federal law to provide polling locations that are accessible to people with disabilities. People with disabilities must have the opportunity to vote privately and independently just as any other voter in the state of Ohio. All county boards of elections must verify before each election that their polling locations are accessible including having the appropriate accessible parking for voters with disabilities. This Directive rescinds and replaces Directive 2008-44.

BACKGROUND

The Americans with Disabilities Act (ADA) was enacted by Congress on July 26, 1990, creating standards for accessibility, including voting locations. The Help America Vote Act (2002) authorized federal appropriations to the states to ensure that “polling places, including the path of travel, entrances, exits, and voting areas of each polling facility, accessible to individuals with disabilities, including the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters.”¹

Additionally, R.C. 3501.29(B) requires county boards of elections to ensure that polling locations:

- are free from barriers that would interfere with a handicapped person entering or exiting;
- have sufficient handicapped parking spaces²;
- have level entrances or non-skid ramps that meet state law³ and ADA requirements; and
- have doorways that are a minimum of 32 inches wide.

INSTRUCTION

I. Voting Locations to be Accessible to Voters with Disabilities

To determine if a polling location is free of barriers to access by people with disabilities and in compliance with federal and state law, county boards of elections must use the Secretary of State “Polling Place Accessibility Checklist” to evaluate every polling location *in its*

¹ Help America Vote Act (2002), Sec. 261

² R.C. 4511.69(E) and 28 C.F.R. Part 36, Appendix A

³ R.C. 3501.29(B)(1)(c) requires ramps to be no steeper than 1:12 or 8.33%.

county upon selection of that location as a polling place.⁴ All county boards of elections must maintain a file of its completed checklists and should develop an internal procedure for periodic review of voting locations to determine accessibility. If a board of elections does not have a checklist on file, it should conduct a review of all voting locations prior to August 1, 2012. For your convenience, a “Polling Place Accessibility Checklist” is included with this Directive.

The Secretary of State’s ADA Coordinator and Regional Liaisons are available to help county boards of elections with assessments of their polling place to identify barriers to access by people with disabilities.

If a county finds that a polling location is not accessible upon review, action must be taken to ensure compliance. A county board of elections may:

- find another facility that meets the requirements of accessibility for use as a voting location;
- apply for grant funding through the Secretary of State to purchase equipment to temporarily mitigate the inaccessibility for voters with disabilities and ensure that this equipment is in place and achieving its purpose on Election Day;
- apply for grant funding through the Secretary of State to for permanent improvements to that facility, so long as the facility is entered into a long-term contract with the board of elections to be used as a voting location.

Accessibility of a polling location to voters with disabilities applies equally to “offices and rooms” established pursuant to R.C. 3501.10.

II. Verification of Accessible Polling Locations

“Before the day of an election, the director of the board of elections of each county shall sign a statement verifying that each polling place that will be used in that county at that election meets the requirements of [R.C. 3501.29(B)(1)(b)].”⁵ Pursuant to this Directive, this statement (Form 16) must also be signed by the Deputy Director or the Chairperson of the Board. A copy of Form 16 is attached for your convenience.

Additionally, the Director and Deputy Director (or Chairperson) of a Board of Elections must file a signed statement (Form 17) before each election to verify that each polling location is in compliance with federal and state laws governing general polling place accessibility. A copy of Form 17 is attached for your convenience.

⁴ The Secretary of State’s “Polling Place Accessibility Checklist” is based on the “ADA Checklist for Polling Places” produced by the Department of Justice and available for review at <http://www.ada.gov/votingck.htm>. In addition to being a checklist, the DOJ document provides a number of diagrams and illustrations that will help you better understand the requirements of the ADA relative to voting locations. You are strongly encouraged to review the DOJ document.

⁵ R.C. 3501.29(E).

If you have any questions or need additional information please contact the Secretary of State's ADA Coordinator, Brett Harbage at (614) 387-6039 or at bharbage@ohiosecretaryofstate.gov or the Secretary of State's elections attorney assigned to your county.

Sincerely,

A handwritten signature in black ink that reads "Jon Husted". The signature is written in a cursive, flowing style. The first name "Jon" is written with a large, looped "J" and a small "o". The last name "Husted" is written with a large "H" and a cursive "u", "s", "t", "e", and "d".

Jon Husted

Attachments: Form 16
Form 17
Secretary of State "Polling Place Accessibility Checklist"



Office of the Ohio Secretary of State
Election Division

ADA/CL #3-05

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Revised 6/2008

Polling Place Accessibility Checklist

County _____

Political Subdivision _____ Ward _____ Precinct _____

Name and Address of Polling Place _____

Inspected By _____ Date Inspected _____

INSTRUCTIONS

Purpose. This form is being used to evaluate Ohio polling places for access by voters with disabilities, as part of the state's implementation of the Help America Vote Act (HAVA). The accessibility standards used in this survey are established under the Americans with Disabilities Act Accessibility Guidelines (ADAAG) and the Ohio Revised Code.

How to use this form. This checklist is to be completed for each polling site. Follow the route a voter would take on Election Day approaching the building from the curb or parking area, entering the building, and reaching the voting room.

Parking and Drop-Off Areas (ADAAG 4.6) (O.R.C. 3501.29 and 4511.69)

Are an adequate number of accessible parking spaces available?

For guidance in determining the appropriate number to designate, the table below gives the ADAAG requirements for new construction and alterations (for lots with more than 100 spaces, refer to ADAAG):

☐ Yes ☐ No

Total spaces	Accessible
1 to 25	1 space
26 to 50	2 spaces
51 to 75	3 spaces
76 to 100	4 spaces

Do all standard accessible parking spaces have 8-foot wide spaces with a 5-foot wide access aisle (2 spaces can share 1 access aisle)?

☐ Yes ☐ No

Is there at least one "Van Accessible" space provided with an 8-foot space and an 8-foot access aisle? (*1 out of every 8 standard accessible spaces must be "Van Accessible"*)

☐ Yes ☐ No

Is there 98 inches of vertical clearance, available for lift-equipped vans at "Van Accessible" parking spaces?

☐ Yes ☐ No

Are all accessible parking spaces, including access aisles, relatively level (2%, 1:50 or less) in all directions?

☐ Yes ☐ No

Is the access aisles part of the accessible route to the accessible entrance?

☐ Yes ☐ No

Are the accessible spaces on the shortest accessible route to the accessible entrance?

☐ Yes ☐ No

Do accessible spaces have vertical signage marked with the International Symbol of Accessibility?

☐ Yes ☐ No

Are there vertical signs reading "Van Accessible" at van spaces?

☐ Yes ☐ No

Does the distance from the ground to the top edge of the sign measure at least 5 feet? (O.R.C. 4511.69 and 3781.111(C))

☐ Yes ☐ No

Is there a sign with a notice that states the fine applicable for the offense of parking a motor vehicle in the designated accessible parking space if the vehicle is not legally entitled to park there? (O.R.C. 3501.29(B) and 4511.69 (E))

☐ Yes ☐ No



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Is there an enforcement procedure to ensure that only those who are legally entitled to be parked in the designated accessible parking spaces?

☐ Yes ☐ No

Accessible Approach/Entrance

People with disabilities should be able to arrive on the site, approach the building, and enter as freely as everyone else. At least one route of travel should be safe and accessible for everyone, including people with disabilities.

Route of Travel (ADAAG4.3, 4.4, 4.5, 4.7)

Is there a route of travel that does not require the use of stairs?

☐ Yes ☐ No

Is the route of travel stable, firm and slip-resistant?

☐ Yes ☐ No

Is the route at least 36 inches wide?

☐ Yes ☐ No Width _____

Can all objects protruding into the circulation paths be detected by a person with a visual disability using a cane?

☐ Yes ☐ No

Distance from wall/height _____

In order to be detected using a cane, an object must be within 27 inches of the ground. Objects hanging or mounted overhead must be higher than 80 inches to provide clear head room. It is not necessary to remove objects that protrude less than 4 inches from the wall.

Do curbs on the route have curb cuts at drives, parking, and drop-offs?

☐ Yes ☐ No

Ramps (ADAAG 4.8)

Are the slopes of ramps no greater than 1:12 (8.33%)?

☐ Yes ☐ No Slope _____

Slope is given as a ratio of the height to the length. 1:12 means for every 12 inches along the base of the ramp, the height increases one inch. For a 1:12 maximum slope, at least one foot of ramp length is needed for each inch of height.

Do all ramps longer than 6 feet have railings on both sides?

☐ Yes ☐ No

Are railings sturdy, and between 34 and 38 inches high?

☐ Yes ☐ No Height _____

Is the width between railings or curbs at least 36 inches?

☐ Yes ☐ No Width _____

Are ramps non-slip?

☐ Yes ☐ No

Is there a 5-foot-long level landing at every 30-foot horizontal length of ramp, at the top and bottom of ramps and at switchbacks?

☐ Yes ☐ No Length _____

Does the ramp raise no more than 30 inches between landings?

☐ Yes ☐ No Rise _____

Entrance (ADAAG4.13, 4.14, 4.5)

If there are stairs at the main entrance, is there also a ramp or lift, or is there an alternative accessible entrance?

☐ Yes ☐ No

Do not use a service entrance as the accessible entrance unless there is no other option.

Do all inaccessible entrances have signs indicating the location of the nearest accessible entrance?

☐ Yes ☐ No

Can the alternate accessible entrance be used independently? (Eliminate having to use assistance, doorbell, operate lift, etc.)

☐ Yes ☐ No

Does the entrance door have at least 32 inches clear opening (for a double door, at least one 32-inch leaf)?

☐ Yes ☐ No Clear Opening _____

Is there at least 18 inches of clear wall space on the pull side of the door, next to the handle?

☐ Yes ☐ No Clear Space _____

A person using a wheelchair or crutches needs this space to get close enough to open the door.

Is the threshold edge 1/4-inch high or less, or if beveled edge, no more than 1/2-inch high?

☐ Yes ☐ No Height _____

If provided, are carpeting or mats a maximum of 1/2-inch high?

☐ Yes ☐ No Height _____

Are edges securely installed to minimize tripping hazards?

☐ Yes ☐ No

Is the door handle no higher than 48 inches and operable with a closed fist?

☐ Yes ☐ No Height _____

The "closed fist" test for handles and controls: Try opening the door or operating the control using only one hand, held in a fist. If you can do it, so can a person who has limited use of his or her hands.



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Can doors be opened without too much force (exterior doors reserved; maximum is 5 lb/f for interior doors)?

☐ Yes ☐ No Force _____

You can use an inexpensive force meter or a fish scale to measure the force required to open a door. Attach the hook end to the doorknob or handle. Pull on the ring end until the door opens, and read off the amount of force required. If you do not have a force meter or a fish scale, you will need to judge subjectively whether the door is easy enough to open.

If the door has a closer, does it take at least 3 seconds to close? (Regular hinged doors, not automatic door openers)

☐ Yes ☐ No Second _____

Access to Goods and Services

Ideally, the layout of the building should allow people with disabilities to access the voting area without assistance.

Horizontal Circulation (ADAAG 4.3)

Does the accessible entrance provide direct access to the main voting area?

Is the voting area on an accessible route of travel?

☐ Yes ☐ No

Is the accessible route of travel to the voting area at least 36 inches wide?

☐ Yes ☐ No Width _____

Is there a 5-foot circle or a T-shaped space for a person using a wheelchair to reverse direction?

☐ Yes ☐ No Width _____

Doors (ADAAG4.13)

Do doors leading to and into the designated voting area have at least a 32-inch clear opening?

☐ Yes ☐ No Clear Opening _____

On the pull side of doors, next to the handle, is there at least 18 inches of clear wall space so that a person using a wheelchair or crutches can get near to open the door?

☐ Yes ☐ No Clear Space _____

Can interior doors be opened without too much force (5 lb/f maximum for interior doors)?

☐ Yes ☐ No Force _____

Are door handles 48 inches high or less and operable with a closed fist?

☐ Yes ☐ No Height _____

Are all threshold edges 1/4-inch high or less, or if beveled edge, no more than 1/2-inch high?

☐ Yes ☐ No Height _____

Rooms and Spaces (ADAAG4.2, 4.4,4.5)

Within the voting area are all aisles and pathways to voting materials, registration and voting machines at least 36 inches wide?

☐ Yes ☐ No Width _____

Is there a 5-foot circle or T-shaped space for turning a wheelchair completely?

☐ Yes ☐ No Width _____

Is carpeting low-pile, tightly woven, and securely attached along edges?

☐ Yes ☐ No

In circulation paths through the voting area, are all obstacles cane-detectable (located within 27 inches of the floor or higher than 80 inches, or protruding less than 4 inches from the wall)?

☐ Yes ☐ No

Height/Protrusion _____

Seats, Tables, and Counters (ADAAG4.2, 4.32, 7.2)

Are the aisles between voting machines, tables and chairs at least 36 inches wide?

☐ Yes ☐ No Width _____

Are the tops of tables or counters between 28 and 34 inches high?

☐ Yes ☐ No Height _____

Are knee spaces at accessible tables at least 27 inches high, 30 inches wide, and 19 inches deep?

☐ Yes ☐ No

Height/Width/Depth _____

Vertical Circulation (ADAAG 4.1.3(5),4.3)

Are there ramps, lifts, or elevators to all public levels?

☐ Yes ☐ No

On each level, if there are stairs between the entrance and/or elevator and essential public areas, is there an accessible alternate route?

☐ Yes ☐ No



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Stairs (ADAAG 4.9)

The following questions apply to stairs connecting levels not serviced by an elevator, ramp, or lift.

Do treads have a non-slip surface?

☐ Yes ☐ No

Do stairs have continuous rails on both sides, with extensions beyond the top and bottom stairs?

☐ Yes ☐ No

Elevators (ADAAG 4.10)

Are there both visible and verbal or audible door opening/closing and floor indicators (one tone = up, two tones = down)?

☐ Yes ☐ No

Are the call buttons in the hallway no higher than 42 inches?

☐ Yes ☐ No Height _____

Do the controls inside the cab have raised and Braille lettering?

☐ Yes ☐ No

Is there a sign on both doorjamb at every floor identifying the floor in raised and Braille letters?

☐ Yes ☐ No

If an emergency intercom is provided, is it usable without voice communication?

☐ Yes ☐ No

Is the emergency intercom identified by Braille and raised letters?

☐ Yes ☐ No

Lifts (ADAAG 4.2, 4.11)

Can the lift be used without assistance? If not, is a call button provided?

☐ Yes ☐ No

Is there at least 30 by 48 inches of clear space for a person in a wheelchair to approach to reach the controls and use the lift?

☐ Yes ☐ No Clear Space _____

Are controls between 15 and 48 inches high (up to 54 inches if a side approach is possible)?

☐ Yes ☐ No Height _____

NOTES/SOLUTIONS TO BARRIERS



Office of the Ohio Secretary of State
Election Division

Drawings/Diagrams/Notes/Comments:

**OHIO SECRETARY OF STATE
VERIFICATION OF ACCESSIBLE PARKING**

R.C. 3501.29(E)

This form must be completed and submitted prior to each election.

_____ County Board of Elections

This verification is for the following election (select only one):

Primary Election to be held on _____

General Election to be held on _____

Special Election to be held on _____

Choose One:

- ☐ I verify that in the aforementioned county the minimum number of special parking locations for handicapped persons are designated at all polling places in accordance with 28 C.F.R. Part 36, Appendix A and R.C. 3501.29(B)(1)(b) and 4511.69(E).
- ☐ The aforementioned county is not in full compliance relative to the required minimum number of special parking locations for handicapped persons at all polling places. Attached is a plan for compliance.*

Director's Signature

Date

Deputy Director's Signature or
Board Chairperson's Signature

Date

Return this signed verification statement before Election Day to:

Joy West
Office of the Secretary of State
180 E. Broad St., 15th Floor
Columbus, OH 43215

Email: jwest@ohiosecretaryofstate.gov
Fax: (614) 485-7648

* Remember that federal HHS grant funding is available through the Secretary of State's office to assist with temporary mitigation or permanent improvements to ensure the accessibility of voting locations to voters with disabilities.

**OHIO SECRETARY OF STATE
VERIFICATION OF ACCESSIBLE POLLING LOCATIONS**

R.C. 3501.29(B)(1)(a), (c) and (d)

This form must be completed and submitted prior to each election.

_____ County Board of Elections

This verification is for the following election (select only one):

Primary Election to be held on _____

General Election to be held on _____

Special Election to be held on _____

Choose One:

- ☐ I verify that all polling locations within the aforementioned county are accessible to voters with disabilities and in full compliance with the Americans with Disabilities Act and R.C. 3501.29(B)(1)(a), (c) and (d) based upon our findings using the Polling Place Accessibility Checklist issued by the Secretary of State.
- ☐ The aforementioned county cannot verify at this time that all polling locations are all accessible to voters with disabilities and in full compliance with the Americans with Disabilities Act and R. C. 3501.29(B)(1)(a), (c) and (d) based upon our findings using the Polling Place Accessibility Checklist issued by the Secretary of State. Attached is a plan for compliance.*

Director's Signature

Date

Deputy Director's Signature or
Board Chairperson's Signature

Date

Return this signed verification statement before Election Day to:

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