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8.1 Introduction

Every qualified voter has the right to vote regardless of whether he or she has a disability or limited English proficiency. This chapter is designed to help electoral board members and general registrars ensure that reasonable accommodations are made for these voters in both the registrar's office and at the polling places.

8.2 Legal Basis

The following laws govern accessibility to polling places:

- The Voting Rights Act of 1965 (VRA)
- Voting Accessibility for the Elderly and Handicapped Act of 1984 (VAEHA)
- Title II of the Americans with Disabilities Act (ADA)
- The Rehabilitation Act
- Help America Vote Act of 2002 (HAVA)
- Virginians with Disabilities Act
- The Code of Virginia, Title 24.2

In addition, the U.S. Department of Justice has provided standards related to accessibility and a detailed checklist for evaluating polling place accessibility. Voting Rights Act of 1965 (VRA).

8.2.1 Requirements

8.2.1.1 Assistance to Voters

The VRA provides, among other things, that any voter requiring assistance may receive it from a person of the voter's choice (other than the voter's employer or union representative). [52 USC 10508](#); [§§ 24.2-649, 24.2-704](#).

8.2.1.2 Language Minority Provisions

The VRA also requires alternative language accessibility (bilingual elections) if the Director of the United States Census makes a coverage determination based on the American Community Survey in 2010 and every five years thereafter. [52 USC §10503](#). Census data released in 2011 determined that Fairfax County, Virginia meets the criteria as required by Section 203 of the Voting Rights Act of 1965, for Spanish. The VRA limits covered language minorities to American Indians, Asian Americans, Alaskan Natives, and Spanish-heritage citizens. Congress found these groups have faced barriers in the political process.

8.2.1.3 Coverage

[52 USC §10503](#) and [52 USC §10303\(f\)](#) are the language minority provisions. These provisions require certain covered jurisdictions to provide bilingual written materials and other assistance to voters. The [U.S. Department of Justice](#) has published detailed [guidelines](#) that explain how to comply with these statutes.

A jurisdiction is covered under Section 203 where the illiteracy rate of the group is higher than the national illiteracy rate and one of the following thresholds is met within that jurisdiction:

- More than 10,000 of U.S. citizens of voting age residing there belong to a single language minority and are limited English proficient.
- More than five percent of U.S. citizens of voting age residing there belong to a single language minority and are limited English proficient.
- More than five percent of American Indian citizens of voting age residing on an Indian reservation within the jurisdiction belong to a single language minority and are limited English proficient

Compliance requires that all election information, directed to English speaking voters must also be available to voters in the covered minority language. The objective of the law is to ensure that all citizens will have an effective opportunity to register, learn the details of the elections, and cast a free and effective ballot.

When a covered state or political subdivision provides registration or voting notices, forms, instructions, assistance, or other materials of information relating to the electoral process, including ballots, it must provide them in the language of the covered minority group as well as in the English [52 USC §10503](#), [52 USC §10303\(f\)](#).

Virginia law mandates acquisition of voting equipment providing alternative language accessibility when a federal coverage determination has been made. [§ 24.2-626.1](#). These federal and state requirements override Virginia's general statutory rule declaring English the official language with provision of alternative language materials discretionary. Va. Code § [1-511](#).

Forms and procedures for alternative language accessibility have been developed and approved by the Board and implemented by covered localities. EAC has voter guides published in different languages, including Spanish, Chinese, Japanese, Korean, Tagalog, and Vietnamese, and can be downloaded at <http://www.eac.gov/>.

8.2.1.4 Virginia Policy & Procedure

Localities should make sure election officials and registration staff is familiar with the provisions in law regarding assistance for voters, and the minority language requirements applicable to covered jurisdictions.

8.2.2 Voting Accessibility for the Elderly and Handicapped Act of 1984 (VAEHA)

8.2.2.1 Requirements

The Voting Accessibility for the Elderly and Handicapped Act (VAEHA) requires all polling places and a reasonable number of permanent registration facilities used in federal elections to be accessible to the elderly (defined as 65 years of age or older) and people with physical disabilities. However, the registration facilities requirement is not binding in Virginia because we allow potential voters to register by mail. It also requires the state to make available registration and voting aids including the large print instruction posters in polling places and registrar's offices as well as telecommunications devices for the deaf. [52 USC §20104](#).

8.2.2.2 Enforcement

Localities may be sued in district court by either the US Attorney General or any person who is personally prohibited from registering to vote or casting a ballot. Before any person may sue a locality under this law, the complainant must first notify the Commissioner of Elections of the non-compliant condition and allow 45 days to pass. This law can be used to force a locality to remove an inaccessible condition, but not to award attorney's fees unless the fees were accumulated forcing a locality to comply with an original court judgment. [52 USC 20105](#)

8.2.2.3 Virginia Policy & Procedure

It is the policy of the Department of Elections to address, with all parties involved, any complaint alleging an inaccessible polling place or permanent registration facility within the 45 day window specified by the law. If a complaint arises under this law at the local level, forward a copy immediately to the Department of Elections to the attention of the Commissioner.

8.2.3 Title II of Americans with Disabilities Act (ADA)

8.2.3.1 Requirements

The ADA prohibits discrimination on the basis of a disability in the provision of services by local government, including telecommunications and other areas. Protections are afforded under the ADA to persons with disabilities or persons who have a relationship or association with persons with disabilities. Persons with disabilities are defined as any of the following:

- A person who has a physical or mental impairment that substantially limits one or more major life activities
- A person who has a history or record of such impairment
- A person who is perceived by others as having such impairment

Title II of the ADA requires that state and local governments give persons with disabilities equal opportunity to benefit from all programs, services, and activities. This includes voting. They also must communicate effectively with persons who have hearing, vision, or speech disabilities and ensure that buildings in which services are provided are accessible. Furthermore, it requires public entities to provide opportunities for persons with disabilities to request aids and services.

Public entities are not required to take actions that would result in undue financial and administrative burdens. They are required to make reasonable modifications to policies, practices, and procedures where necessary to avoid discrimination, unless they can demonstrate that doing so would fundamentally alter the nature of the service, program, or activity provided. It also directs that public entities must provide opportunities for persons with disabilities to request such aids and services.

8.2.3.2 Enforcement

Complaints of ADA Title II violations may be filed with the Department of Justice within 180 days of the date of the discrimination. In certain situations, cases may be referred to a mediation program sponsored by the Department. The Department may bring a lawsuit where it has investigated a matter and has been unable to resolve violations.

Title II may also be enforced through private lawsuits in federal court. It is not necessary to file a complaint with the Department of Justice or any other federal agency, or to receive a “right-to-sue” letter, before going to court.

8.2.3.3 Virginia Policy & Procedure

The policy of the Department of Elections is to assure programmatic access at every polling place or registration facility and to provide physical accessibility in those

locations where this can be achieved without creating an undue burden on the locality. Programmatic accessibility means that all individuals with visible and invisible disabilities can benefit from the voter registration and election services, programs and benefits offered to the public. The Department of Elections seeks to avoid litigation by mediating ADA complaints with all parties involved in order to collaboratively reach mutually beneficial solutions.

8.2.4 Help America Vote Act of 2002 (HAVA)

8.2.4.1 Requirements

HAVA requires voting systems to be accessible to individuals with disabilities in a private and independent manner including non-visual access. (More information on accessible voting machines is in GREB 20.)

If the funding is available, HAVA also provides for a grant program through the US Department of Health and Human Services to make polling places accessible, provide information about the accessibility of those polling places and train election officials on how to best promote access and participation among persons with disabilities in federal elections.

8.2.4.2 Enforcement

The U.S. Department of Justice’s Civil Rights Division enforces HAVA. Congress did not authorize private enforcement (via litigation) of the requirements of HAVA. Instead, HAVA directs private complaints into state administrative processes and reserves judicial enforcement to the Department of Justice.

8.2.4.3 Virginia Policy & Procedure

The goal of the Department of Elections are to assist localities in continuing to make all polling places 100% ADA accessible to persons with disabilities

8.2.5 Virginians with Disabilities Act (VDA)

8.2.5.1 Requirements

In general, the Virginians with Disabilities Act prohibits exclusion from, denial of the benefits of, and discrimination relating to any program or activity receiving state financial assistance or conducted by or for any state agency. Specifically it states that no otherwise qualified voter with a disability can be “denied the opportunity to register or vote” because of his or her disability. [§ 51.5-43](#).

8.2.5.2 Enforcement

Any person with a disability whose rights guaranteed under this law have been violated can bring a claim in state circuit court. The court can order the defendant to make changes, pay for the plaintiff's legal fees, and award compensatory damages not including payments for pain and suffering.

Localities are liable for violating this law for up to one year from the violation of a person's rights if the person started the action or filed a complaint by registered mail within 180 days of the alleged violation.

The [Disability Law Center of Virginia](#), formerly the Virginia Office of Protection and Advocacy, can provide legal representation to individuals with disabilities.

8.2.5.3 Virginia Policy & Procedure

The policy of the Department of Elections is to provide full and free access to registration and voting for all Virginians. The Department of Elections seeks to avoid litigation and collaboratively reach mutually beneficial solutions with all parties involved. The Department works with the Virginia Board for People with Disabilities, housed in the same office building in Richmond, to provide voter education and outreach to individuals with disabilities.

8.2.6 Title 24.2 Requirements for Polling Places

8.2.6.1 Requirements

Polling places are required to be accessible by the Virginians with Disabilities Act, the Voting Accessibility for the Elderly and Handicapped Act and Title II of the Americans with Disabilities Act. Local electoral boards are authorized to use an alternative polling place if an emergency makes an existing one inaccessible. [§ 24.2-310](#)(C), (D).

The local governing body is required to provide "adequate facilities" at each polling place. [§ 24.2-310](#)(B). For the purpose of this law, the Department of Elections interprets adequate facilities to include buildings that are physically accessible to persons with disabilities.

8.2.6.2 Enforcement

Virginia's adequate facilities provision has no separate enforcement mechanism; like other election law requirements for local governments, Department of Elections and local

electoral boards play an important role educating local governments. DOJ has brought enforcement actions against localities failing to meet federal law mandates.

8.2.6.3 Virginia Policy & Procedure

In accordance with Virginia's adequate facilities requirement, the Department of Elections will provide instructions to local electoral boards and general registrars to assist localities in complying with accessibility requirements. The electoral board must conduct an Accessibility Survey every time the locality approves a new polling place or there is a change in accessibility at an existing polling place. Localities must send a copy of each survey to the Department of Elections, and keep the original on file at the local elections office. A suggested survey form is included in the [Forms Warehouse](#) Accessibility materials. When entering polling place information into VERIS, the registrar must check whether the polling place has met ADA standards and include a comment detailing the level of compliance.

When a voter looks up his or her polling place on the Department of Elections website, the accessibility information entered in VERIS will be displayed.

8.3 Addressing Polling Place Accessibility Issues

Make sure that any new polling place is accessible or can be made so before recommending it to the local governing body.

If an existing polling place is found to be inaccessible then take the following steps:

- Notify the local governing body that the locality's polling place is in violation.
- Determine whether permanent or temporary changes can be made to make the site accessible.
- If the site cannot be made accessible, survey the precinct and the adjoining area within one (1) mile of the precinct boundary in an attempt to find an alternative site to recommend that is accessible or can be made temporarily accessible on Election Day.
- The accessibility status of each polling place in the locality should always be updated in VERIS.

The following exceptions may be granted under [52 USC §20102](#), [§ 24.2-310](#) and [24.2-310.1](#):

- The Commissioner of Elections can grant an exception to the accessibility requirement in the case of emergency as defined in [§ 24.2-310](#).
- If an alternate site is in a private facility normally ineligible for polling place selection, the registrar may request that the Department of Elections approve its use on an emergency basis due to unavailability of any other building meeting accessibility requirements ([§ 24.2-310.1](#))

- ~~Note: the emergency site change must also be submitted to the U.S. Department of Justice, unless the locality has successfully completed bail-out procedures under the Voting Rights Act.¹~~

8.4 Best Practices

- The [Virginia Voter Registration Application](#) includes a box allowing voters with physical disabilities to so indicate. Registrars should attempt to contact voters who check this box to explain available accommodations such as voting curbside or absentee with an annual application. Be sure to communicate to the electoral board and officers of election any information needed to plan for election day such as arrival time for curbside voting. [2010 Op. Va. Att’y Gen. 46](#) (voter may communicate request for curbside voting to election officials in advance of coming to polling place).
- Let the public know that polling places are accessible and tell them what assistive technologies are available to voters with disabilities.
- Every training session for officers of election should include a section on working with persons with disabilities and operating the accessibility features of all voting equipment. Officers of election are the ones who have the most face-to-face contact with voters with disabilities. They must be trained to:
 - look out for – and where possible remove – obstacles in the polling place;
 - provide assistance with door-opening, walking, and other means of helping when needed and requested;
 - be fully aware of the legal rights of persons with disabilities to ask for assistance with ballot-marking;
 - provide curbside voting to any person requesting to vote outside the polling place due to a disability, or age 65 or older; and
 - be sensitive to the needs of voters with disabilities. Curbside voting does not satisfy or eliminate the requirement for an accessible entrance to the polling place that the voter can use at his option. The Department of Elections recommends, as a best practice, that an officer of election or volunteer is trained to check periodically to make sure curbside voting is not needed.
- Every registrar and electoral board member should actively publicize and promote the availability of absentee ballots, curbside voting, and the right to ask for assistance. It is important to ask the voters directly what works for them with sensitivity to individual differences.

¹ On June 25, 2013, the U.S. Supreme Court held invalid Section 4 of the Voting Rights Act that outlines the formula for determining what jurisdictions are covered under the Section 5 Preclearance processes. This ruling makes Section 5 dormant until such time as Congress enacts another formula for coverage that is consistent with the Constitution. The practical effect is that it is no longer necessary to preclear changes affecting voting with the Department of Justice.

- Remember that people with disabilities want, expect, and deserve reasonable accommodations to give them equal access. If the best alternative cannot be done, then try for the next best alternative.
- Periodically resurvey the accessibility of polling places. Just because a polling place was accessible last year, does not mean it will be so this year. For example, tree limbs could grow back, concrete could develop breaks, and parking signs may be removed. Investing a little time before each election can pay great dividends in preventing complaints about some new accessibility barrier at a previously accessible polling site.

8.5 Dealing with Persons with Disabilities

There are several things that can be done – in the registrar's and electoral board's offices and at the polling place – to make registering and voting easier for persons with disabilities.

8.5.1 Voters with Hearing and Speech Disabilities

8.5.1.1 Informational Website

With accommodation, persons with hearing, vision, and physical disabilities may obtain much of their information from the Internet. The electoral board and registrar should work with the local government information technology services to make the website for the registrar's or electoral board's office accessible to individuals with disabilities. The county or city's information technology (IT) department can assure that the registrar's or electoral board's website works in conjunction with standard computer assistance software for the visually impaired. *See, [GREB 8.5.5](#).*

At a minimum, instructions for registering and voting (including links to the Department of Elections downloadable forms) should be available on the local government's website.

8.5.1.2 E-mail

The registrar's office email address should be prominently displayed in all media materials about voter registration or voting distributed or published by the registrar's or electoral board's office or local governing body. This will allow communicating online with voters who have hearing disabilities. It is strongly recommended that the general registrar official email address utilized be generic in nature and not based on the name of an individual. Using individual names can cause confusion and loss of email when the individual is absent or retires but the voter may still retain an old email address in their records or email address book.

8.5.1.3 TDD

Telecommunications devices for the deaf are another way for people to communicate and obtain information about registering and voting. A telecommunication device for the deaf (TDD, also referred to as TT or TTY) is a telephone system in which a typewritten message is transmitted over telephone lines and is received as a printed message. Many localities have a TDD line for government offices; be sure to publicize its availability. If the locality doesn't have a TDD line, instruct voters to use the Department of Elections TDD line. Or, use the TDD number of the Virginia Relay Center – a service designed specifically for TDD users, government agencies and other service providers. Speech-to-speech relay enables a person with speech impairment to converse on the telephone via a trained communication assistant.

- Department of Elections TDD: 711
- VIRGINIA Relay Center: 1-800-229-5746 or just “711”

8.5.1.4 Signage

Signs instructing voters where to park, where to enter and exit the polling place, and which table to go to help reduce the verbal communication required for a voter with a hearing disability. These aids are also required for Election Day. Printed instructions for checking in at the pollbook table and for the use of voting equipment should be prominently displayed at the level where persons with disabilities can read.

8.5.1.5 General Tips for Speaking with a Voter with a Disability

- Treat people the way you want to be treated
- Speak directly to the person, not to his/her companion
- Change your position so you are at eye level with the person
- Respect personal space; do not touch the person or the person's wheelchair, service animal, etc. without their prior consent or request
- Ask the person to repeat what he said (including writing it, or verbally repeating, or paraphrasing the words yourself)
- Do not assume someone who is deaf or hard of hearing or who has an intellectual disability requires you to speak loudly or slowly
- Presume competence
- Let people be independent; ask before providing assistance
- Let the person control his/her movements
- Introduce yourself by name
- Do not ask questions focused on the person's condition and do not express sympathy or admiration or other feelings related to the person's disability
- Treat adults as adults and with respect
- Use People-First Language, which puts the person before the disability (e.g. Instead of “a table for a wheelchair is needed,” say “a table for a person using a wheelchair needed”)

8.5.2 Persons with Visual Disabilities

8.5.2.1 Signage

Large print directional and instructional signs should help the voter with limited sight navigate the polling place and the voting process. Pictures or symbols on signs are also helpful.

8.5.2.2 Large Print Versions of Materials

Most forms and brochures available online can be enlarged to meet user needs using current technologies. The locality may also consider printing forms and brochures in large print. There is no enforceable standard for large print formatting other than that the print has to be large enough to be read by the person requesting it. The general rule is to use 18-point type. Colors should contrast as much as possible (i.e. black on white or white on black). The Department of Elections' Accessibility Coordinator can provide more detailed information.

8.5.2.3 Signature Guides

These are usually small business-sized cards with long rectangles cut out of them. If a voter has to sign a document such as an application or a statement, a signature guide placed over the signature line will help the voter sign in the right place. No signature or mark is required for a voter who is blind to receive assistance at the polling place from an officer of election. [§ 24.2-649](#). Applications for voter registration, absentee ballots and other forms include specific instructions about the applicable signature requirements.

8.5.2.4 Voting Equipment

HAVA requires at least one voting machine in every precinct that provides non-visual voting access. Voting equipment with audio capability for use by blind voters has been certified for use in Virginia. *See* GREB 20.

For those with limited sight, the locality should make magnifiers available at each polling place or at each voting station. For most voting equipment, magnifying sheets tend to work better than magnifying glasses with handles. Magnifying sheets are relatively inexpensive and available in many stores or catalogs.

8.5.3 Physical Accessibility of Polling Places

Polling place accessibility is not limited to addressing structural obstacles to citizens in wheelchairs. Many other types of disabilities must also be accommodated. This chapter is not meant to provide an exhaustive or technical list. A variety of reference materials are available to provide the technical details for ensuring accessibility. The Department of Elections' Accessibility Coordinator can provide more detailed information.

8.5.3.1 Parking Spaces

If parking is provided for voters, then accessible parking must also be provided at a ratio of one (1) accessible space for every 25 spaces in the parking lot. To be considered accessible, a parking space must meet the following criteria:

- The space must be at least 12 feet wide.
- It must have an access aisle that is 5 feet wide for car spaces and 8 feet wide for van spaces (all parking lots must have at least one van accessible space).
- It must be marked with an upright sign with the symbol of accessibility on it (the bottom edge of the sign must be between 48 and 72 inches above the pavement; marking a space on the pavement is often useful, but does not satisfy federal requirements).
- It must be located close to the entrance of the polling place.
- It must be connected by an accessible route to the accessible entrance.
- The space must be relatively level in all directions and have a firm, stable surface.

Accessible parking spaces may be temporarily created for Election Day using portable signs and traffic cones.

8.5.3.2 Signage

No special signs are required at buildings where all voters (those with disabilities and those without) use the same entrance on Election Day. However, if the accessible voting entrance is separate from the main voting entrance, then the following standards apply:

- The accessible entrance must be marked by the symbol of accessibility.
- All other entrances must have directions to the accessible entrance.

8.5.3.3 Curbs and Ramps

Curbs or ramps in the path of travel must generally have the following features:

- They must be at least three feet (36 inches) wide not including any flared sides.
- They should have a stable, firm, slip-resistant walking surface.

- They should have a slope that rises or falls no more than one (1) foot in height for every 12 feet in length (the 1' in 12" rule).
- They should have a relatively level cross slope (the slope perpendicular to the direction of the walkway).
- If a ramp is more than six inches off the ground, it must have handrails on both sides.
- They cannot have openings greater than ½ inch wide.

Temporary ramps may be used on Election Day. A better solution is to work with the owner of the building to establish reasonable accessibility. Ramps are also necessary where there are steps into the building or inside the building. Permanent ramps are obviously the best, but temporary ramps can also work when necessary. They can be purchased or rented from a variety of vendors in compliance with the locality purchasing procedures.

8.5.3.4 Walkways (Inside & Outside)

To be considered accessible, a walkway must meet the following criteria:

- It must be at least three feet (36 inches) wide.
- It should have a slope that rises or falls no more than one foot in height for every 12 feet in length.
- It should have no edges that could cause a person or service animal to trip or fall.
- It should have a relatively level cross slope (the slope perpendicular to the direction of the walkway).
- It should be made of a smooth, consistent material, i.e. no loose gravel or dirt;
- It should have headroom in the pathway of at least 80 inches from the surface.
- It cannot have openings greater than ½ inch wide.
- It cannot have abrupt changes in level greater than ½ inch tall unless a ramp is provided. Sudden changes in height less than ¼ inch tall are always acceptable; however, changes between ¼ inch and ½ inch can be beveled at a slope no greater than 1:2.

-  The 1' in 12" rule applies to all standards of accessibility for walks, ramps, etc.

8.5.3.5 Protrusions

Items sticking out from walls (such as fire extinguishers) pose a threat to both blind voters – who cannot detect them with a cane – and to those with limited sight. Items mounted on walls between 27 and 80 inches off the floor cannot protrude more than 4 inches from the wall.

A temporary solution is to place a large item on the floor (such as a potted plant) below the protruding item to make it detectable with a cane. A permanent solution is to build protruding walls on either side of the item or lower the item so that it is no more than 27 inches above the floor.

8.5.3.6 Doors and Doorways

Doors are among the most common accessibility barriers in polling places. For people in wheelchairs, an inaccessible door can defeat hard work getting out of a vehicle, through the parking lot, and up the walk. Several features can make a door inaccessible:

- Round doorknobs are difficult for people with limited use of their hands. Replace with ADA compliant hardware. If they can't be replaced, buy levers that fit over round doorknobs.
- Interior doors must be operable with 5 pounds of force or less. As a temporary fix, prop the door open or station an election official (or election page) to assist with opening and closing. The best solution (and most expensive) may be to install a power door opener.
- There is no requirement for the opening force of exterior doors. However, 8.5 pounds of force is typically sufficient to keep the door closed and still be usable by persons with disabilities.
- Door width is often a problem for wheelchairs. There should be at least 32 inches of clear space for a wheelchair to get through. This is measured from the face of the door to the stop on the other side not including any door hardware. Some doors that just barely fail to meet this criterion can be adjusted to gain that extra inch or two by using special hinges.
- If there is a door threshold with an abrupt change of more than ¼ inch, that is inaccessible. Either a new threshold or a covering ramp will need to be installed.

8.5.3.7 Stairs

Based on reports to the federal Election Assistance Commission (EAC), stairs remain the greatest physical obstacle at our nation's polling places for both people in wheelchairs and those with difficulty walking. If access to a polling place or voting room within a polling place involves stairs, then there must be an alternate route to the voting room; otherwise, the site is not accessible. There must be, either inside or outside the building, a ramp or ramps, or an accessible elevator, or a wheelchair lift that voters with limited mobility can use to access the polling place. If an alternate route must be used, large signs directing voters with disabilities are needed.

8.5.3.8 Inside the Polling Place

The inside path of travel must meet the same guidelines as the path outside. Loose rugs, plush carpets, slick floors and the like can cause problems for people with wheelchairs, canes, and walkers. Instruct officers of election to be sure that hallways and voting rooms are free of such hazards, and adjustments are made.

8.5.3.9 Seating

Every polling place should be furnished with seats for the use of elderly voters or those with mobility impairments. Even if the polling place has no waiting lines, seats should be available for those lawfully present who just need to rest.

8.5.3.10 Voting Equipment

Not all voting machines are wheelchair-accessible. Each polling place must have at least one piece of voting equipment that permits a voter with a disability to cast his or her ballot in a private and independent manner. Va. Code § 24.2-626.1. The voting booth provided for persons casting provisional ballots should also be accessible. This should be a table that can accommodate a wheelchair. To do so, it should be at least 30 inches wide, with a surface no more than 27 inches high, and an underneath clearance of at least 19 inches. If a voter with a disability wishes to vote on an inaccessible machine instead, he or she may request assistance.

8.5.3.11 General Tips for Working with a Voter with Limited Mobility

- Do not push or touch another person or their wheelchair without their prior consent or request.
- Ask before helping; the person may not want or need assistance.
- On the other hand, do not be shy about offering assistance. Consider how a school teacher might help a student.

8.5.4 Voters with Mental, Emotional or Developmental Disabilities

Polling places and registrar offices must also be accessible, and election officials must be sensitive to those with mental disabilities. These include people with mental retardation or developmental disabilities, mental illness, and disabilities resulting from head trauma, among others. All citizens of voting age are considered mentally competent unless a court has declared them incapacitated. There are several things that registrars, electoral board members, and officers of election can do to ensure accessibility:

- Work with local non profit organizations representing persons with disabilities such as the local chapter of The Association for Retarded Citizens to develop training and orientation programs for citizens with mental disabilities. These programs should familiarize citizens with procedures and with voting equipment.
- Educate that citizens with disabilities generally may choose anyone (other than an employer or union representative) to assist them with voting.² Emphasize this right, and appropriate procedures, to officers of election, assistant registrars and anyone else dealing with the voters on Election Day or those voting absentee.
- Spend sufficient time to effectively communicate and explain procedures and outcomes of registering and voting.

8.5.4.1 Aging Population

The aging of the Baby Boom generation coupled with an increasing life expectancy will bring significant changes to life in Virginia.

By the year of 2030, the numbers of Virginians age 65 or older will more than double from approximately 900,000 in 2009 to nearly 1.8 million; and the percentage of the population will rise from 12 to 18 percent.

Virginia's total population is expected to increase by 39 percent from the year 2000 to 2030. The under 65 population will grow by an amazing 125 percent during the same period.

8.5.5 Websites

The issue of accessibility involves all aspects of the elections process, including local and state produced election and registration websites. Websites are used by people with hearing, visual, and motor disabilities, so various issues of sight, sound, and maneuverability are important to consider in making a website usable by all.

Tools for improving websites accessibility have been developed by the World Wide Web Consortium (W3C) available at www.w3.org/WAI. This website also provides a directory on disability-related web resources that may provide some useful tips. The registrar should work with the county or city's information technology (IT) department to evaluate the website's accessibility.

The federal Election Assistance Commission (EAC) [guidance](#) on accessibility recommends considering the W3C tools and provides other helpful information about improving website accessibility.

² Note: blind voters can ask anyone. Va. Code § 24.2-649(B). However, subsequent legislation prohibits authorized party or candidate representatives inside the polling place from assisting a voter in casting their ballot, or offering to do so.

8.6 Funding Accessibility Improvements

Electoral boards and registrar offices (like all public bodies) operate with limited resources. Below are suggestions to help afford accessibility improvements when the local governing body may be reluctant or unable to provide funding:

- The Help America Vote Act set aside funds for states to improve the accessibility of polling places used in federal elections. This funding was used to make all polling places in Virginia at that time ADA compliant.
- Local Disability Services Boards may suggest grant money that can be used to make such purchases. Contact the local board to find out how to apply for funding.
- The Lions Clubs will often take on projects to provide aids for persons with vision and hearing impairments. Check with the local club(s) to see if they are willing to sponsor an election accessibility project.
- Many other community service organizations (e.g. Kiwanis, Rotary, Ruritans, and the like) may be willing to help.
- The federal government offers tax incentives for businesses to make their facilities more accessible to people with disabilities.
- Check with any of the agencies listed in the Resources section below. Many of the agencies have funds for purchasing assistive technology or know of inexpensive sources for these items.
- Consider sharing costs of such items with other government offices that can use them when they are not needed for elections.

8.7 Resources

Registrars and electoral board members are not expected to be experts on building structural issues, machine technology for those with disabilities, or other assistive technologies. There are several places and agencies that can provide information and assistance with these issues. The following lists just some of the resources in Virginia.

8.7.1 Accessibility Coordinator, Department of Elections

The Department of Elections has a staff member, knowledgeable about disability issues, who is ready to assist registrars and electoral board members, or their staff (804 864 8901 or 800-552-9745).

8.7.2 EAC and DOJ

The federal Election Assistance Commission publishes a helpful [guide](#) addressing polling place accessibility, training of election officers and website accessibility. The EAC

website provides other detailed reference materials on [voting accessibility](#). The U.S. Department of Justice provides a detailed polling place [accessibility checklist](#) with design standards, technical assistance materials and information about enforcement actions.

8.7.3 ADA Information Line

The U.S. Department of Justice provides information about the Americans with Disabilities Act (ADA) through a toll-free ADA Information Line. This service permits businesses, state and local governments, or others to call and ask questions about general or specific ADA requirements including questions about the ADA Standards for Accessible Design. ADA specialists are available Monday through Friday from 10:30 AM until 4:30 PM, except on Thursday when the hours are 12:30 PM until 4:30 PM. For general ADA information, answers to specific technical questions, free ADA materials, or information about filing a complaint, call 1-800-514-0301 (voice), 800-514-0383 (TTY) or visit their website at [ADA Home Page - ada.gov - Information and Technical Assistance on the Americans with Disabilities Act](#). Spanish language service is also available.

8.7.4 ADA Coordinators

The ADA may require local governments to appoint an ADA coordinator. This individual is most likely in the personnel or building inspections department of the local government. The local ADA coordinator may not be an expert on the technical aspects of ensuring accessibility, but he or she should be able to help with interpreting the law and with surveying potential or existing polling places to evaluate their accessibility.

8.7.5 ADA & IT Information Centers

The federally supported ADA & IT Information Center for the Mid-Atlantic Region provides training, information, and technical assistance on the Americans with Disabilities Act (ADA) and accessible information technology (IT) to businesses, consumers, schools, and government agencies within the Mid-Atlantic Region. Call 800-949-4232 or go to their website at [DBTAC: Mid-Atlantic ADA Center - Welcome to ADAinfo.org](#).

8.7.6 Centers for Independent Living

Virginia law also provides for government supported Centers for Independent Living, private, non-profit, community-based advocacy organizations staffed by persons with disabilities. § [51.1-163](#). These agencies can provide advice and assistance with a wide variety of disability issues. There are many centers in Virginia. To find out more

information about Centers for Independent Living, visit their website [Centers for Independent Living](#).

8.7.7 Virginia Department for the Deaf and Hard Of Hearing

[This department](#) can provide information about sign language, interpreters, special hearing devices, and communications issues: 1-800-552-7917.

8.7.8 Virginia Department for the Blind and Vision-Impaired

[This department](#) can provide information about Braille accommodations, large print, recording on tapes, and other visual-assistive technologies: 1-800-622-2155.

8.7.9 Virginia Assistive Technology System

This is a program of the Virginia Department of Rehabilitative Services. It is a statewide project working to increase awareness and accessibility of assistive technology through programs, information, and technical assistance. Its website includes an equipment finder. Call 1-800-552-5019 or see the [Virginia Assistive Technology System Web Site](#).

8.7.10 Job Accommodation Network

[The Job Accommodation Network site](#) provides information on vendors and manufacturers of equipment and devices for people with disabilities: 1-800-526-7234.