



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

the Handbook

Chapter 5

Accessibility

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5. ACCESSIBILITY 3

5.1 CHAPTER ORGANIZATION 3

5.2 LEGAL BASIS..... 3

5.3 REQUIREMENTS..... 4

5.3.1 GENERAL ASSISTANCE TO VOTERS..... 4

5.3.2 VOTING EQUIPMENT..... 4

5.3.3 VOTERS WHO HAVE A VISUAL OR A PRINT DISABILITY..... 5

5.3.4 COMMUNICATIONS..... 5

5.3.5 MINORITY LANGUAGE PROVISIONS..... 6

5.3.6 VOTER REGISTRATION FACILITY ACCESSIBILITY..... 7

5.3.7 POLLING PLACE ACCESSIBILITY..... 7

5.3.8 REQUEST FOR ASSISTANCE..... 12

5.3.9 CURBSIDE VOTING..... 12

5.3.10 LARGE PRINT MATERIALS..... 14

5.3.11 NO SIGNATURE OR MARK REQUIRED FOR CERTAIN VOTERS..... 14

5.4 OFFICER OF ELECTION TRAINING 14

5.5 LIMITATIONS..... 16

5.6 ENFORCEMENT..... 16

5.6.1 VOTING ACCESSIBILITY FOR THE ELDERLY AND HANDICAPPED (VAEHA)..... 16

5.6.2 AMERICANS WITH DISABILITIES ACT (ADA)..... 16

5.6.3 HELP AMERICA VOTE ACT (HAVA)..... 16

5.6.4 VIRGINIANS WITH DISABILITIES ACT (VDA)..... 17

5.6.5 CODE OF VIRGINIA..... 17

5.7 RESOURCES..... 18

5.7.1 ELECTION ASSISTANCE COMMISSION (EAC) AND DEPARTMENT OF JUSTICE (DOJ)..... 18

5.7.2 ADA INFORMATION LINE..... 18

5.7.3 UNITED STATES ACCESS BOARD..... 18

5.7.4 ADA COORDINATORS..... 19

5.7.5 REGIONAL ADA CENTERS..... 19

5.7.6 CENTERS FOR INDEPENDENT LIVING..... 19

5.7.7 VIRGINIA DEPARTMENT FOR THE DEAF AND HARD OF HEARING..... 19

5.7.8 VIRGINIA DEPARTMENT FOR THE BLIND AND VISION-IMPAIRED..... 19

5.7.9 VIRGINIA ASSISTIVE TECHNOLOGY SYSTEM..... 19

5.7.10 JOB ACCOMMODATION NETWORK..... 20

5.8 FUNDING ACCESSIBILITY IMPROVEMENTS..... 20



5. Accessibility

<p>REQUIRED FORMS</p> <p>ELECT-310C-Accessibility-Accessibility-Checklist.docx</p> <p>ELECT-310C-ADACC-ADA-Compliance-Confirmation-7.2023.pdf</p>	<p>ADDITIONAL RESOURCES</p> <p>Voting and Polling Places ADA.gov</p> <p>State and Local Governments ADA.gov</p> <p>U.S. Access Board ADA Accessibility Standards</p>
<p>REFERENCE</p> <p>Quick Start Guide – EAC 6 Tips</p> <p>ADA Checklist for Polling Places</p> <p>EAC Election Management Guide Chapter 19: Accessibility</p>	<p>REGULATIONS</p> <p>I VAC 20-20-40 Virginia's Help America Vote Act Plan</p>

5.1 Chapter Organization

Every qualified voter has the right to vote, regardless of whether he or she has a mental or physical disability or limited English proficiency. This chapter is designed to help electoral board members and general registrars ensure that reasonable accommodations are made for all voters in both the registrar's office and at all polling places. §5.2 lists the key federal and state laws undergirding accessibility in elections throughout the Commonwealth. §5.3 discusses the requirements in these laws, divided into subject matters such as voting equipment, polling place accessibility, requests for assistance, and curbside voting. §5.4 discusses officers of election training, as so many voter misunderstandings can be avoided by solid training to all officers of election on how to help voters with disabilities enjoy their voting experience. §5.5 and §5.6 address both the limitations of implementation and the enforcement mechanisms designed to ensure voters with disabilities are guaranteed an equal opportunity to vote. §5.7 lists local, state, federal and other public sector resources focused on elections accessibility issues. §5.8 discusses a few funding suggestions for localities seeking to implement accessibility improvements.

5.2 Legal Basis

The following laws govern accessibility to polling places:



- The Voting Rights Act of 1965 (VRA)¹
- Voting Accessibility for the Elderly and Handicapped Act of 1984 (VAEHA)²
- Title II of the Americans with Disabilities Act (ADA)³ and Rehabilitation Act of 1973⁴
- Help America Vote Act of 2002 (HAVA)⁵
- Virginians with Disabilities Act (VDA)⁶
- The Code of Virginia, Title 24.2⁷

¹ See [52 U.S.C. §20102](#).

² See [52 U.S.C. §20101](#).

³ See [42 U.S.C. §12131](#) et seq.

⁴ See [29 U.S.C. §794](#).

⁵ See [52 U.S.C. §20901](#).

⁶ See the Code of Virginia [§§51.5-1](#) and [51.5-43](#).

⁷ See the Code of Virginia [§24.2](#).



In addition, the United States Department of Justice (DOJ) has provided standards related to accessibility and a detailed ADA checklist for evaluating polling place accessibility.⁸

5.3 Requirements

5.3.1 General Assistance to Voters

State and local governments must give persons with disabilities equal opportunity to benefit from all programs, services, and activities. This includes voting. Government entities and employees must communicate effectively with persons who have physical or mental disabilities, ensure that buildings in which services are provided are accessible, and provide opportunities to request accommodating aids and services.⁹ Any voter requiring assistance may receive it from a person of the voter's choosing ("other than the voter's employer or agent of that employer or agent of the voter's union").¹⁰

5.3.2 Voting Equipment

HAVA requires voting systems to be accessible to individuals with disabilities for use in a private and independent manner, including non-visual access.¹¹ Virginia law requires that voting equipment allow alternative languages when DOJ determined that a specified number of the population does not speak or understand English well enough to engage in the electoral process.¹² These federal and state requirements override Virginia's general statutory rule declaring English the official state language.¹³



Law Note

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**. The voting booth provided for persons casting provisional ballots should also be accessible. This should be a table that can accommodate a wheelchair. The table 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.

HAVA and the Code of Virginia require **at least one voting machine** in every precinct that provides non-visual voting access.¹⁴ **Voting equipment with audio capability for use by blind**

⁸See [Voting and Polling Places, ADA Checklist for Polling Places](#).

⁹ See DOJ [State and Local Government](#).

¹⁰ [52 U.S.C. §10508](#); see the Code of Virginia [§§24.2-649, 24.2-704](#).

¹¹ See generally HAVA [52 U.S.C. §20101](#) et seq. See also GREB Handbook Chapter 15 Recounts and Contested Elections for more information on accessible voting machines.

¹² See the Code of Virginia [§24.2-626.1](#). See also [DOJ list of covered jurisdictions](#).

¹³ See the Code of Virginia [§1-511](#).

¹⁴ See the Code of Virginia [§24.2-626.1](#).



voters has been certified for use in Virginia.¹⁵ For voters with a visual disability, the locality should also 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.

5.3.3 Voters who have a Visual or a Print Disability

Voters who indicate that they will require assistance due to a visual impairment or print disability are entitled to vote using an electronic ballot marking tool provided to the localities by the Department of Elections.¹⁶ SBE 701/703.1 and ELECT's online Citizen Portal provide registered voters the option to identify as needing assistance due to a print disability. The General Registrar will offer those voters the ballot marking tool with screen reader assistive technology. For more information on this process, refer to GREB Handbook Chapter 7, section 12.

5.3.4 Communications

All media materials concerning voter registration or voting which are distributed or published by the registrar's or electoral board's office or local governing body should prominently display the registrar's office email address and telephone number. This will allow better communication with voters who have hearing disabilities or other disabilities. It is strongly recommended that the general registrar use an official email address that is generic in nature and not based on the name of an individual. Using individual names can cause confusion when the individual is absent or retires, and the voter may still retain an old email address in their records or email address book.

Every registrar and electoral board member should actively publicize the availability of absentee ballots, curbside voting, accessible equipment, and the right to ask for assistance. It is important to ask the voters directly what works for them with sensitivity to individual differences. Voters should be informed that these accessibility measures, including curbside voting, are available throughout Virginia's 45 days of early voting at the general registrar's office or satellite voting locations, as well as on Election Day.

5.3.4.1 Website

When a voter looks up his or her polling place on the ELECT website, the accessibility information entered in VERIS will be displayed. Localities should try to provide some detail as to the efforts made to ensure that the polling place is in fact ADA compliant such as stating a checklist was used to assess accessibility.

5.3.4.2 Teletypewriters (TTY or TDD)

Telecommunications devices for the deaf ("TDD") or teletypewriters ("TTY") provide another way for people to communicate and obtain information about registering and voting. A TTY or TDD is a device with a keyboard and display that allows users to send and receive typed messages across phone lines. TTY users can directly call other TTY

¹⁵ See GREB Handbook Chapter 4 Voting Equipment for more information.

¹⁶ See the Code of Virginia [§24.2-103.2](#).



users and exchange typed messages to easily communicate. Communication between a TTY/TDD-user and someone without a TTY device is also possible and can be accomplished by calling a Relay Service. A specially-trained Relay Service operator receives the messages on a TTY and relays the messages to a hearing individual using a standard phone. A standard phone user can also place a call through a Relay Service operator to a TTY user. Many localities have a TDD/TTY line for government offices. If the locality doesn't have a TDD/TTY line, instruct voters to use the ELECT TTY line, or use the TTY number of the Virginia Relay Center – a service designed specifically for TDD/TTY users, government agencies and other service providers.¹⁷ Speech-to-speech relay enables a person with speech impairment to converse on the telephone via a trained communication assistant. To access these services, call the following numbers:

- ELECT TTY: 711
- VIRGINIA Relay Center: 1-800-229-5746 or just “711”

5.3.4.3 Signage

Signs instructing voters where to park, where to enter and exit the polling place, the location of curbside voting, 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. “The electoral board or the general registrar [must] provide and have posted outside each polling place appropriate signs to direct people with disabilities and elderly persons to any [...] entrance designed for their use.”¹⁸ Further, 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.

5.3.5 Minority Language Provisions

If the illiteracy rate of the minority group is higher than the national illiteracy rate and one of the following thresholds is met within that jurisdiction, the jurisdiction is required to provide all election information directed to English speaking voters in the covered minority language as well.

Thresholds:¹⁹

- More than 10,000 of United States citizens of voting age residing there belong to a single language minority and are limited English proficient,
- More than five percent of United States citizens of voting age residing there belong to a single language minority and are limited English proficient,

¹⁷ See [Virginia Relay](#).

¹⁸ See the Code of Virginia, [§24.2-604.1](#).

¹⁹ For more information about minority language provisions and thresholds, see [DOJ webpage for language minority voting rights](#).



- 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.

Pursuant to §24.2-128, “Whenever a covered locality provides any voting or election materials, it shall provide such materials in the language of the applicable minority group as well as in the English language. For purposes of this requirement, “voting or election materials” means registration or voting notices, forms, instructions, assistance, voter information pamphlets, ballots, sample ballots, candidate qualification information, and notices regarding changes to local election districts, precincts, or polling places. For purposes of this requirement, “registration notices” means any notice of voter registration approval, denial, or cancellation required by the provisions of Chapter 4 (§ 24.2-400 et seq.). A covered locality may distribute such materials in the preferred language identified by the voter.”²⁰

As of December 2021, there are 4 localities that are required to provide materials in other languages:

- Fairfax County: Spanish and Vietnamese
- Prince William County: Spanish
- Manassas City: Spanish
- Manassas Park City: Spanish

Before any change occurs that would restrict interpreter services or materials in languages other than English, local governing bodies must follow the procedures outlined in § 24.2-129. Failure to do so could result in a cause of action brought in a circuit court by the Attorney General or any qualified voter.

5.3.6 Voter Registration Facility Accessibility

A reasonable number of permanent registration facilities used in federal elections must be accessible to the elderly (defined as 65 years of age or older) and people with physical disabilities. This requirement is not binding in Virginia because we allow potential voters to register by mail.²¹

5.3.7 Polling Place Accessibility

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.²² **The electoral board should complete an approved ADA Checklist to ensure that any new polling place is accessible or can be made so before recommending it to the local governing body.** The local governing body is required to provide “adequate facilities at each polling place for the conduct of elections”.²³ For the purpose of this law, ELECT interprets adequate facilities to include buildings that are physically accessible to persons with disabilities.

²⁰ See the Code of Virginia [§24.2-128\(B\)](#).

²¹ See *Krieger v. Loudon County*, 2014 United States Dist. LEXIS 138293 (W.D. Va. Sept. 30, 2014).

²² See the Code of Virginia [§24.2-310\(C\)](#).

²³ See the Code of Virginia [§24.2-310\(B\)](#).



The current ELECT ADA Checklist (rev. 2023) is based upon the DOJ ADA Checklist (rev. 2016). While electoral boards may use either checklist to assess and document ADA compliance, ELECT's ADA checklist includes requirements for curbside voting as mandated by [§24.2-649.1](#). Accordingly, ELECT's ADA checklist is the recommended document for electoral board completion as it includes this unique state statutory requirement. If a local electoral board prefers to use the DOJ's ADA Checklist (with expanded information and diagrams), they should take care to also assess and document compliance with curbside voting as required by [§24.2-649.1](#).



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. Local electoral boards must also provide to ELECT each year an Annual ADA Compliance Confirmation; this confirmation verifies that a checklist was used in the assessment of all polling places in a locality, the checklists are within the records of the local electoral board, and all polling places within the locality are compliant with applicable law.²⁴

As a best practice, ELECT recommends periodically resurveying 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 a new accessibility barrier at a previously accessible polling site, such as disenfranchising voters or a lawsuit.

When choosing a polling place, it is best practice to choose a location that is compliant year-round rather than a polling place that may need to be modified temporarily to comply with accessibility requirements.

Local electoral boards are authorized to use an alternative polling place if an emergency makes a polling place unusable or inaccessible.²⁵ The electoral boards must provide notice to the “voters appropriate to the circumstances of the emergency.”²⁶ ELECT must approve all emergency polling location changes.²⁷ Emergency polling place move requests are to be submitted by the general registrar through JIRA.

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

- Notify the local governing body that the locality’s polling place is in violation.
- Determine whether reasonable permanent or temporary changes can be made to make the site accessible.
- If the site cannot be made accessible through reasonable means, survey the precinct and the adjoining area within one (1) mile of the precinct boundary in an attempt to

²⁴ A suggested survey form and the Annual ADA Compliance Confirmation are included in Formswarehouse under [Accessibility](#).

²⁵ See the Code of Virginia [§24.2-310\(D\)](#).

²⁶ See the Code of Virginia [§24.2-310\(C\), \(D\)](#).

²⁷ *Id.*



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 United States and Virginia law:

- If an alternate site is in a private facility normally ineligible for polling place selection, the registrar may request that ELECT approve its use on an emergency basis due to unavailability of any other building meeting accessibility requirements.²⁸
- The specifications made in this chapter reflect the 2010 ADA Standards. The 1991 ADA Standards and the 2010 ADA Standards, as applied to polling places, are very similar. Elements and spaces in a building constructed or altered before March 15, 2012, that complied with the 1991 ADA Standards may remain in compliance with the 2010 ADA Standards.

5.3.7.1 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. If only one accessible space is provided, it must be a van-accessible space.

To be considered accessible, a parking space must meet the following criteria:²⁹

- At least 8 feet wide for cars and 11 feet wide for vans.
 - Exception: van parking spaces can be 8 feet wide minimum where the access aisle is also 8 feet
- An access aisle that is 5 feet wide for car and van spaces (all parking lots must have at least one van-accessible space).
 - Two parking spaces may share a common access aisle.
- **Marked with an upright sign with the symbol of accessibility**
 - For van-accessible parking spaces, the sign must designate it as a van-accessible space. This does not prevent other non-van vehicles from parking in that space.
- Located closest to the accessible entrance of the polling place.
- Connected by an accessible aisle to an accessible route to the accessible entrance of the polling place.

Accessible parking spaces may be temporarily created for Election Day using portable signs and traffic cones. These parking places should be the closest spaces to the entrance, creating the shortest distance possible to travel. The route taken from the parking space to the entrance should be level, stable, and firm in all directions.

5.3.7.2 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

²⁸ See the Code of Virginia [§24.2-310.1](#).

²⁹ See [ADA Center, Information on Accessible Voting](#). See also [Accessible Parking Spaces](#).



entrance is separate from the main voting entrance, then the following standards apply.³⁰

- The accessible entrance must be marked by the symbol of accessibility.
- All other entrances must have directions to the accessible entrance.
- Curbside voting signage should be placed at every polling place.

5.3.7.3 *Curbs and Ramps*

Temporary ramps may be used on Election Day. However, a better solution is to work with the owner of the building to establish reasonable accessibility. Ramps are necessary where there are steps into the building or inside the building. Permanent ramps are obviously the best option, 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.

Curbs or ramps in the path of travel must generally have the following features:³¹

- 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 and should not be steeper than 1:48.
 - Cross slope is the slope perpendicular to the direction of the walkway and can be measured the same way as a slope.
- 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.

5.3.7.4 *Walkways (Inside & Out)*

To be considered accessible, a walkway must meet the following criteria:³²

- 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.

³⁰ See [ADA Accessibility Standards](#) and [ADA Checklist for Polling Places](#).

³¹ *Id.*

³² See [ADA Accessibility Standards](#) and [ADA Checklist for Polling Places](#).



5.3.7.5 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.³³

5.3.7.6 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.³⁴ 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.³⁵ 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.³⁴
- 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.³⁶ 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, it is inaccessible. Either a new threshold or a covering ramp will need to be installed.

5.3.7.7 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.**³⁷ There must be, either inside or outside the building, a ramp or ramps, or an accessible elevator, or a wheelchair lift that voters with

³³ See [ADA Voting Solutions for Polling Places](#).

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.*

³⁷ See [ADA Checklist for Polling Places](#).



limited mobility can use to access the polling place. If an alternate route must be used, large signs directing voters with disabilities are needed.³⁸

5.3.7.8 *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. Further, floor surfaces must be stable, firm, and slip resistant.³⁹ Instruct officers of election to be sure that hallways and voting rooms are free of such hazards, and to make adjustments as needed.

5.3.7.9 *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.

5.3.8 Request for Assistance

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 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. The Attorney General issued an opinion in 2010 that voters may communicate a request for curbside voting to election officials in advance of coming to the polling place.⁴⁰

5.3.9 Curbside Voting

Curbside voting does not satisfy or eliminate the requirement for an accessible entrance to the polling place that the voter can use at their option.

Curbside voting must be offered at every polling place. Any voter with a disability, whether physical or mental, or who is age 65 or older is entitled to utilize curbside voting.⁴¹

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ See [2010 Op. Va. Att’y Gen. 46](#).

⁴¹ See the Code of Virginia [§24.2-649.1](#).



**Law Note**

Pursuant to the ADA [42 U.S.C. §12102](#), disability is defined as, “(A) a physical or mental impairment that substantially limits one or more of the major life activities of such individual; (B) a record of such an impairment; or (C) being regarded as having such an impairment.” Further, 42 U.S.C. §12132, states, “...no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.” Curbside voting is a government service for individuals with disabilities. This service must be available not only to individuals with a physical impairment but also to those with a mental impairment, pursuant to the provisions of the ADA.

However, during a declared state of emergency related to a communicable disease, any voter, regardless of age or disability, is entitled to utilize curbside voting.⁴² The area designated for voting outside of the polling place shall be within 150 feet of the entrance to the polling place. This area shall be clearly marked, and instructions on how to notify an officer of election of the voter's request to vote outside of the polling place shall be prominently displayed.⁴³ In no case shall the voter be required to enter the polling place to provide such notice.⁴⁴ The voter may choose to call ahead to alert election officials of their interest in using curbside voting or send another person inside the polling place to alert the officers of election.⁴⁵ The EAC also provides a quick start guide with some best practices for curbside voting.⁴⁶

Take the following steps for ensuring curbside voting goes smoothly:

- Provide clear and visible signage informing voters of the possibility of voting curbside, the location of the curbside voting, and how a voter is supposed to notify the election official that he/she is waiting curbside. The signage should be upright and visible at all times while voting is taking place at the polling place;
- Ensure that no campaign materials or campaign personnel are blocking the curbside voting area or signage.
- Establish a location that allows the curbside voter to obtain information from candidates and others campaigning outside the polling place;
- Provide a method for the voter to announce his/her arrival (buzzer, bell system, or a phone number to call for curbside assistance);
- Ensure a timely response from election officials inside the polling station and delivery of the information that is provided to voters inside the polling location;



⁴² *Id.*

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ See [2010 Op. Va. Att’y Gen. 46](#).

⁴⁶ See EAC, [Curbside Voting Quick Start Guide](#).



- Provide a portable voting system that is accessible and allows the voter to cast his/her ballot privately and independently while voting curbside.⁴⁷



Best Practice

Chief Officers of Election or general registrars may assign an officer of election, election page, or volunteer to periodically check outside each polling location to make sure curbside voting is not needed.

5.3.10 Large Print Materials

The state must make available registration and voting aids, including the large print instruction posters in polling places and registrar's offices.⁴⁸ Large print directional and instructional signs should help voters with limited sight navigate the polling place and the voting process. Pictures or symbols on signs are also helpful.

5.3.11 No Signature or Mark Required for Certain Voters



No signature or mark is required for a voter who is blind to receive assistance at the polling place from an officer of election.⁴⁹ This means:

- Voter registration forms do not have to be signed by the voter if they have a physical disability that prevents them from signing their form.⁵⁰
- No signature is required by the voter or an assistant for the voter on the envelope to return an absentee ballot.⁵¹

5.4 Officer of Election Training

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. Please emphasize these key best practices regarding interacting with the elderly or persons with disabilities in every training. ELECT updated the Officer of Elections online training course in August 2023, including a module addressing Accessibility and Etiquette.

⁴⁷ For more information on signage and accessibility, see DOJ, [The Americans With Disabilities Act, and Other Federal Laws Protecting the Rights of Voters with Disabilities](#).

⁴⁸ See [52 U.S.C. §20104](#).

⁴⁹ See the Code of Virginia [§24.2-649](#).

⁵⁰ See the Constitution of Virginia, [Art. II, Sec. 2](#). See also the Code of Virginia [§24.2-418\(A\)](#).

⁵¹ See the Code of Virginia [§24.2-706\(C\)](#).





Best Practice

Officers of election have the most face-to-face contact with voters with disabilities.

Please –

- *look out for* and, *where possible*, remove **obstacles** in the polling place;
- *when needed*, assist with door-opening;
- *when requested*, *provide* other means of helping;
- *remember* the **legal rights** of persons with disabilities **to ask for assistance** with ballot-marking – ask your chief officer of election or general registrar for a recap if you aren't sure;
- *keep an eye out for* people requesting to **vote curbside** (offered for voters aged 65 or older and voters with disabilities) and
- *be sensitive* to the needs of voters with disabilities.

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.

- Treat people the **way you want** to be treated;
- Speak **directly to the person**, not to their companion;
- Change your position so you are **at eye level** with the person;
- **Introduce yourself** by name;
- 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 they said if necessary (including *writing it, or verbally repeating, or paraphrasing*);
- **Never** assume what a person is saying.
- *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;
- 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 disabled person," say "a person with a disability;" instead of "a table for a wheelchair is needed," say "a table for a person using a wheelchair is needed").
- Anyone can make mistakes. Offer an apology if you forget some courtesy. Keep a sense of humor and a willingness to communicate.



5.5 Limitations

Adherence to ADA is a requirement of polling locations. If questions arise regarding any limitations on a locality's ability to comply with federal and state accessibility laws, they should be directed to the locality's attorney and administrators.⁵²

5.6 Enforcement

5.6.1 Voting Accessibility for the Elderly and Handicapped (VAEHA)

Localities may be sued in a federal district court by either the United States Attorney General or any person who is personally aggrieved by the noncompliance of being prevented 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 before continuing the lawsuit. 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.⁵³

5.6.2 Americans with Disabilities Act (ADA)

Complaints of ADA Title II violations may be filed with the DOJ 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.⁵⁴

Title II may also be enforced through private lawsuits in federal court. It is not necessary for a complainant to file a complaint with the DOJ or any other federal agency, or to receive a "right-to-sue" letter, before going to court.

5.6.3 Help America Vote Act (HAVA)

The DOJ's Civil Rights Division enforces HAVA.⁵⁵ 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 DOJ.⁵⁶



Regulation Note

1VAC 20-20-40: Virginia's Help America Vote Act Plan

Virginia's plan under the Help America Vote Act of 2002, 42 USC § 15301 et seq., states policy of the board and performance goals for the board to document and measure.

⁵² See [DOJ, Federal Civil Rights Enforcement](#).

⁵³ See [52 U.S.C. §20105](#).

⁵⁴ See [42 U.S.C. §12131](#).

⁵⁵ See [52 U.S.C. §21111](#).

⁵⁶ See [52 U.S.C. §21112](#).



5.6.4 Virginians with Disabilities Act (VDA)

Pursuant to §51.5-43, “No person with a disability who is otherwise entitled to vote under the provisions of § [24.2-400](#) and who is not disqualified from voting under the provisions of § [24.2-101](#) shall be denied the opportunity to register or vote in this Commonwealth because of such disability.” Any person with a disability whose rights, guaranteed under the VDA, have been violated can bring a claim in state circuit court. The court can order the defendant (locality) to make changes to its practice or procedures, pay for the plaintiff’s legal fees, and award compensatory damages not including payments for pain and suffering.

Localities are liable for violating the VDA 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.⁵⁷

5.6.5 Code of Virginia

Virginia’s adequate facilities provision has no separate enforcement mechanism; like other election law requirements for local governments, ELECT and local electoral boards play an important role educating local governments. DOJ has brought enforcement actions against localities failing to meet federal law mandates.

⁵⁷ See the Code of Virginia [§51.5-46](#).



5.7 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, however, several places and agencies that can provide information and assistance with these issues to help ensure the locality's compliance. The following are just some of the resources available in Virginia.

5.7.1 Election Assistance Commission (EAC) and Department of Justice (DOJ)

The EAC publishes a helpful guide addressing polling place accessibility, election officer training, and website accessibility. EAC has voter guides published in different languages, including Spanish, Chinese, Japanese, Korean, Tagalog, and Vietnamese.⁵⁸ The EAC website also provides other detailed reference materials on voting accessibility.⁵⁹

The EAC provides quick start guides for local elections officials; we strongly recommend you check them out. This image is taken from Quick Start Series No. 15; you can find the link [here](#).



The DOJ provides compliance guidelines in addition to a detailed ADA polling place accessibility checklist with design standards, technical assistance materials, and information about enforcement actions.⁶⁰

5.7.2 ADA Information Line

The DOJ provides information about the Americans with Disabilities Act (ADA) through a toll-free ADA Information Line, 1-800-514-0301. 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.⁶¹

5.7.3 United States Access Board

The Access Board is an independent federal agency that promotes equality for people with disabilities through leadership in accessible design and the development of accessibility guidelines and standards.⁶² Created in 1973 to ensure access to federally funded facilities, the Access Board is now a leading source of information on accessible design. The Access Board develops and maintains design criteria for the built environment, transit vehicles, information and communication technology, and medical diagnostic equipment under the Americans with Disabilities Act of 1990 (ADA) and other laws. The ADA Accessibility Standards can be found on their website.⁶³ The Access Board may be contacted at info@access-board.gov or 202-272-0080, extension 3.

⁵⁸ Forms in alternate languages can be downloaded from the [EAC website](#).

⁵⁹ For more information on accessibility, please see the [EAC guide](#), and the [EAC voting accessibility website](#).

⁶⁰ See [52 U.S.C. § 10303\(f\)](#), and [28 CFR 55](#). See also, [DOJ webpage on the ADA and voting](#).

⁶¹ See [ADA Information Line webpage](#).

⁶² See [the US Access Board website](#).

⁶³ See U.S. Access Board, [Accessibility Standards](#).



5.7.4 ADA Coordinators

The ADA requires governments to appoint an ADA coordinator if they have more than 50 employees. If your locality meets this threshold, your local ADA Coordinator should prove to be an excellent resource. 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. ELECT's ADA coordinator may be contacted at atadavoter@elections.virginia.gov.

5.7.5 Regional ADA Centers

The federally-supported ADA Center for the Mid-Atlantic Region provides training, information, and technical assistance on the Americans with Disabilities Act (ADA) for businesses, consumers, schools, and government agencies within the Mid-Atlantic Region. Government entities can call for guidance and information on what is required, who is covered, and how to work through a disability related question. Call 800-949-4232 or go to their website for more information.⁶⁴

5.7.6 Centers for Independent Living

Virginia law also provides for government supported Centers for Independent Living, which are private, non-profit, community-based advocacy organizations staffed by persons with disabilities.⁶⁵ These agencies can provide advice and assistance with a wide variety of disability issues. There are many such centers in Virginia.⁶⁶

5.7.7 Virginia Department for the Deaf and Hard of Hearing

This department can provide information about sign language, interpreters, special hearing devices, and communications issues: 1-800-552-7917.⁶⁷

5.7.8 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: 1-800-622-2155.⁶⁸

5.7.9 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 website.⁶⁹

⁶⁴ The [Mid-Atlantic ADA Center website](#) has more information on accessible information technology and training resources.

⁶⁵ See the Code of Virginia [§51.1-163](#).

⁶⁶ For more information on the Centers for Independent Living, please visit their [website](#).

⁶⁷ Visit the Department for the [Deaf and Hard of Hearing website](#) for more information.

⁶⁸ See the [Virginia Department for the Blind and Vision Impaired website](#) for more information.

⁶⁹ See [Virginia Assistive Technology System website](#).



5.7.10 Job Accommodation Network

[The Job Accommodation Network site](#) provides information on vendors and manufacturers of equipment and devices for people with disabilities: 1-800-526-7234.⁷⁰

5.8 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:

- 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 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 above. 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.

⁷⁰ See [the Job Accommodation Network website](#).

