



# Accessibility and Etiquette

## Overview:

This training information provides a high-level overview of accessibility requirements established by Virginia law and an introduction to etiquette when interacting with people with disabilities. You will receive locality-specific instructions from your general registrar.

## Topics Covered:

- Legal Requirements
- Providing Assistance
- Polling Place Setup for Accessibility
- Etiquette
- Curbside Voting

## Legal Requirements (voting equipment requirements):

Virginia state law requires polling places to be accessible to qualified voters. Every qualified voter has the right to vote, regardless of whether he or she has a mental or physical disability or limited English proficiency. All citizens of voting age are considered mentally competent unless a court has declared them incapacitated. Virginia law specifically includes the blind and visually impaired.

Every polling place must have at least one voting system equipped for individuals with disabilities. The equipment must provide the same opportunity for access and participation (including privacy and independence) as for other voters.

## Providing Assistance:

**Who may request assistance** - Any voter who requires assistance in voting due to a physical disability or inability to read or write can receive assistance if they request it. The voter may designate an officer of election or some other person to assist. Usually, an assistant will be an officer of election or someone the voter brings with them to assist. The person providing assistance *may not* be the voter's employer or agent of that employer, an officer/agent of a voter's union, or an authorized party or candidate representative.

No mark shall be required of a voter who is blind. The person providing assistance may assist the voter in the preparation of the ballot in accordance with the voter's instructions. The person providing assistance may not solicit the vote or in any manner attempt to influence the vote. The person providing assistance may not in any manner divulge or indicate, by signs or otherwise, how the voter voted on any office or question.

**Non-English language assistance** - if the voter requires assistance in a language other than English and has not designated a person to assist, an officer of election, before they assist as interpreter, shall ask authorized representatives whether they have a volunteer available who can interpret for the voter. One representative interpreter for each party or candidate, as available, is permitted to observe the officer of election communication with the voter. The voter may designate one of the volunteer party or candidate interpreters to provide assistance.

**Accessible voting booths** - at least one voting system must be equipped for individuals with disabilities. One form this may take is an audio ballot. If your precinct has a voting machine with an audio ballot capability, you must notify voters requiring this assistance that such equipment is available. Do not enter the voting booth to assist the voter unless the form ELECT-649, "Request for Assistance" (see Figure 1), is completed. If the voter is unable to sign the request, their own mark - acknowledged by them before an officer of election - shall be sufficient signature.

Warning: Intentionally making a materially false statement or entry on this form shall constitute the crime of election fraud, which is punishable under Virginia law as a Class 5 felony. Violators may be sentenced to up to 10 years in prison, or up to 12 months in jail and/or fined up to \$2500.

**OFFICER OF ELECTION** Precinct #/name: \_\_\_\_\_ Date: \_\_\_\_\_

**A. REQUEST OF VOTER**

I hereby affirm, subject to penalty of law, that I require assistance to vote my ballot by reason of either blindness, physical disability, or inability to read or write, or I need the ballot translated into another language.

I request that the person signing the agreement below in Section B enter the voting booth or voting machine enclosure to assist me or to vote my ballot in accordance with my instructions.

Signature of voter: \_\_\_\_\_ Printed name: \_\_\_\_\_ Required

**B. AGREEMENT OF ASSISTANT**

I hereby affirm, subject to penalty of law, that:

- I will vote this voter's ballot as the voter instructs.
- I will not solicit or attempt to influence how the voter votes.
- I will not disclose or indicate how the voter votes on any office or question.
- I am not serving in this polling place today as an authorized representative of a political party or candidate or as a neutral observer authorized by the electoral board. (See § 24.2-604 for additional information)
- I am not the voter's employer or agent of that employer, or an officer or agent of the voter's union. (This provision does NOT apply if the voter is blind.)

Signature of assistant: \_\_\_\_\_ Printed name: \_\_\_\_\_ Required

Residence address: \_\_\_\_\_ City/state: \_\_\_\_\_ zip: \_\_\_\_\_ Required Required Required

**C. IF VOTER ASKS OFFICER TO TRANSLATE BALLOT (AS ASSISTANT)**

See § 24.2-649(C) for additional information. Any party or candidate interpreter must sign below before observing. (Attach additional forms if necessary.)

I hereby affirm, subject to penalty of law, that:

- I will not solicit or attempt to influence how the voter votes.
- I will not disclose or indicate how the voter votes on any office or question.

Signature: \_\_\_\_\_ Printed name: \_\_\_\_\_ Representing: \_\_\_\_\_

Signature: \_\_\_\_\_ Printed name: \_\_\_\_\_ Representing: \_\_\_\_\_

**INSTRUCTIONS IF VOTER IS UNABLE TO SIGN OR MAKE THEIR MARK:**

For a voter who is blind, the Officer of Election must:

- Write on the *Signature of Voter* line (Section A), "blind voter" (A blind voter is NOT required to sign or make their mark);
- Print the voter's name on the line below the signature line (Section A); and
- Have the assistant sign and complete Section B.

For a voter who is otherwise unable to sign, the assistant must:

- Write on the *Signature of Voter* line (Section A), "voter unable to sign";
- Print the voter's name on the line below the signature line (Section A); and
- Sign and complete Section B.

## Polling Place Setup Guidelines:

**Pathways** - Make sure pathways inside and out are unobstructed and are of adequate width. Loose rugs, plush carpets, slick floors and the like can cause problems for people with wheelchairs, canes, and walkers. Keep pathways and rooms free of these hazards.

**Signs** - Post signs midway between eye level for a standing person and one seated in a wheelchair.



**Seating** - Make sure there are seats available for 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.

## **Etiquette:**

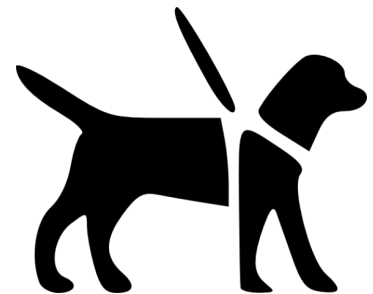
**General Etiquette Assumptions** - Do not make assumptions. Just because someone has a disability, do not assume she needs help. Ask before helping. A person with a disability will often indicate when they need help. If they want help, ask *how* before you act. Be sensitive about **physical contact**. Some people may depend on their arms for balance. Grabbing them could knock them off balance. Do not pat people on the head or touch wheelchairs or canes. People with disabilities consider their equipment part of their personal space. Be considerate of extra time that may be required to communicate or accomplish things.

**Think before you speak** - Speak directly to the person who has the disability, not their companion, aid or interpreter. Use the phrase "Person with a disability", which is better than "disabled person" when referencing a person with a disability. "People with disabilities" is better than using the phrase, "the disabled". Avoid outdated terms like "handicapped", "crippled" or "retarded". Try "person who uses a wheelchair" or cane, for example, instead.

**People in wheelchairs** - Always ask before pushing someone in a wheelchair. Remember that the wheelchair is an extension of their person. Be aware of a person's reach limits. Place as many items as possible within their grasp. Ramps and wheelchair-accessible doors to the building should remain unblocked and unlocked. Per the Americans with Disabilities Act (ADA), displays should not be in front of entrances. Wastebaskets should not be in front of aisles. Boxes should not be stored on ramps.

**Hearing difficulty** - Before speaking to a person with hearing loss, make sure you get their attention. Face the person and speak slowly. Do not shout. Facial expressions and gestures are helpful. Write a note if you are not sure the person understands.

**Vision difficulty** - Visual disabilities may not be obvious. Be prepared to assist when asked. Identify yourself before making physical contact with a person who is blind. People who are blind may need their arms for balance. Offer your arm (do not take theirs) if they need to be guided. If the person has a guide dog, walk on the opposite side from the dog. *Never* pet a guide dog. If you need to leave, inform them you are leaving and ask if they need anything before you leave.



**Service dogs** - Service dogs are allowed in the polling place. Do not pet, feed or distract service dogs: they are working.

**Cognitive impairments** - A registered voter with cognitive impairment can be eligible to vote if not adjudicated mentally incapacitated by a court of law. Remember, you may need to allow additional time to exchange information when assisting persons with cognitive impairments.

### **Curbside Voting:**

Any voter age 65 or older or physically disabled may request a ballot outside the polling place. Curbside voting must take place within 150 feet of the entrance of the polling place. Officers of election will bring an electronic voting device or a paper ballot, depending on the precinct. The machine must be returned to its assigned location inside the polling place after the voting has finished.

If it's a paper ballot, the voter should just mark the ballot, cover and return it to the officer of election.

**Etiquette note** - Please give the voting individual privacy, but don't let the voting equipment or ballot go out of your sight. Return the ballot to the polling place in a secure manner.



If your precinct uses electronic voting devices, you should walk the voter through the instructions for using the device. The machine must remain in plain view of two officers of election representing two political parties. In the case of a primary election, the machine must remain in plain view of two officers of election representing the party conducting the primary.

The machine number, time that the machine was removed and returned, the number on the public counter before and after, and the names of the officers who accompanied the machine will be recorded on the Statement of Results.

You will receive more specific instructions from your general registrar.

*Updated August 2020*