

Statewide Accessibility Survey of Vermont Polling Places to Voters with Disabilities: Final Report, 10/04

Background & Purpose:

Federal and state laws require that towns and cities make their polling places fully accessible to voters with mobility impairments, visual and other types of disabilities. Since the Americans with Disabilities Act became law in 1990, local governments have had 14 years to improve their facilities and practices to ensure the full participation of voters with disabilities.

But since 1990, there has been no independent and comprehensive evaluation including actual inspections of Vermont polling places to assess their progress in meeting the more stringent standards for voter accessibility that are now law. Over the years, there have been several efforts to review the accessibility of Vermont's polling places. However, these efforts have relied mostly on self-evaluation and self-reporting by polling places, with only limited follow-up by agencies or organizations familiar with the rules and practical requirements to create truly barrier-free polling places for voters with disabilities.

With funding from the federal Help America Vote Act of 2002, and with the cooperation of the Vermont Secretary of State's office, Vermont Protection & Advocacy (VP&A) staff performed on-site inspections of polling places in 22 Vermont communities in the summer and early fall of 2004 to check their accessibility for voters with disabilities. This report summarizes the findings of that survey.

Method & Scope:

The communities surveyed represent 8.1% of the 270 VT locations where balloting takes place for general elections. Communities were selected on the basis of location (every VT county but Grand Isle is represented), rural, suburban and urban sites (to address diversity in municipal resources), and with particular attention to towns with self-reported issues or questions about their ADA compliance. The towns surveyed from August through early October 2004 were:

Albany (Orleans)
Barnet (Caledonia)
Barre City (Washington)
Brattleboro (Windham)
Bristol (Addison)
Chelsea (Orange)
Colchester (Chittenden)
Fairfax (Franklin)
Hartford (Windsor)
Lunenburg (Essex)
Manchester (Bennington)

Marlboro (Windham)
Morristown (Lamoille)
Newport Town (Orleans)
Pittsford (Rutland)
Ripton (Addison)
Rockingham (Windsor)
Sutton (Caledonia)
Shrewsbury (Rutland)
Underhill (Chittenden)
Vergennes (Addison)
Vershire (Orange)

Town clerks were contacted in advance to explain the process and solicit their cooperation. Some towns that were not selected for the initial round of visits contacted VP&A & asked to be surveyed. The survey instrument used was the “ADA Checklist for Polling Places,” published by the US Department of Justice.” This checklist addresses accessibility for voters with mobility and visual impairments. VP&A staff used tape measures, levels and other tools to examine whether each town’s parking, drop-off areas, sidewalks, doorways, interior hallways, and polling place rooms were fully accessible to ADA standards, and noted any variances they found. Individual town results were reported to each Town Clerk, with suggestions for how to achieve full compliance.

Findings:

Most Vermont municipalities surveyed have made a good faith effort to make their polling places fully accessible to voters with disabilities. None of the towns surveyed were both significantly out of compliance with ADA standards **and** unwilling to provide accommodations to voters with disabilities. Some towns were in the process of renovating their town halls to install accessibility improvements at the time of the advocate’s visit. However, every town surveyed had at least one or two issues which they were out of compliance with the requirements for accessibility. These are summarized in the ‘Problem Areas & Issues’ section, below.

Strengths of Towns Surveyed:

- Most towns offer at least some parking at the polling place that is handicap accessible (although many of these spaces do not meet ADA standards; see below).
- Most towns offer barrier-free drop-off areas for vehicles carrying voters with disabilities near an accessible entrance into the building where voting takes place.
- Where there is an elevation change from the parking area to the building entrance, most towns have installed ramps for voters with mobility impairments.
- All towns have obstacle-free and barrier-free interior corridors and hallways for voters with disabilities (for those with visual or mobility impairments). All of the polling places (the room where balloting takes place) are also obstacle-free and barrier-free.
- Town clerks are ready to respond to voters who need assistance. For example, nearly all mentioned their readiness to help voters cast their ballots from their vehicles, if asked. All would provide assistance in reading a ballot to a voter, or in replacing a spoiled ballot.
- Most town clerks provide lowered or adjustable-height ballot booths for voters using wheelchairs and scooters.

Problem Areas & Issues (out of compliance with ADA standards):

- 91% of towns surveyed (20 of 22) had handicapped parking spaces that did not meet the ADA standards for pavement marking and upright signage. Many lacked the required 8' adjoining access aisles, which allows for safe loading and unloading from vehicles.
- Of the 11 towns that had wheelchair ramps at the polling place, 73% (8) of these ramps had an abrupt rise of more than ½" at the top or bottom of the ramp, which is more than that allowed under the DOJ guidelines. These would pose a barrier for some users of wheelchairs and scooters. Some voters would require assistance to clear these hurdles.
- 50% (11) polling places did not have signage that clearly marked their handicap accessible entrance. While this is not an issue where the accessible entrance is obvious, it can be a problem when the accessible entrance is not visible from the street.
- 27% (6) polling place building entrances were too narrow for many wheelchair and scooter users. (The ADA standard is 32" clear passage; these doorways varied from 26" to 29".)
- 23% (5) polling places had a rise of more than ½" at the building entrance. These varied from 5/8" to 5½", posing barriers for users of wheelchairs and scooters.
- 27% (6) polling places had insufficient clearance to the pull side of the building entrance door, or in the entrance vestibules, so wheelchair and scooter users can stay clear of the door swing.
- 23% (5) polling places had main building entrance doors that were too heavy for voters with limited strength to open by themselves, or they lacked accessible door handles.
- 59% (13) polling places had public restrooms that did not meet ADA accessibility standards.
- Only one town clerk published an advance notice suggesting that voters who required accommodations to vote should contact the town clerk's office in advance of Election Day.

Outcomes & Follow-Up:

In this initial round, most town clerks seemed to be receptive to the feedback from this survey. Some told VP&A that they planned to share VP&A's findings and recommendations with their town Selectboards and Boards of Civil Authority, to assist the town in planning needed renovations to town facilities. Others were less responsive, telling VP&A that they feel their town has already invested considerable resources in achieving accessibility, and that they already meet the needs of the few members of the town who have disabilities. Most of the clerks were somewhere in between these two poles, expressing interest but being non-committal about making any renovations that required significant capital investment. Most clerks were willing to consider temporary improvements that VP&A suggested to improve the town's accessibility for this year's upcoming General Election.

The VT Secretary of State's office also offers small grants to Vermont municipalities who want to make their polling places more accessible to voters with disabilities, and provides free training to town officials to increase their awareness of the accommodations needed by voters with disabilities. In their follow-up letters to the towns surveyed, VP&A provided information about these grants, along with other resources towns could tap to finance needed accessibility modifications.

VP&A's overall goal in this project is to work with Vermont municipalities to remove the barriers that now reduce voter participation rates among Vermonters with disabilities. While the average turnout for general elections in Vermont is in the 62-65% range, only 52% of voters with disabilities typically vote.¹ VP&A believes this is due to many factors, including physical and attitudinal barriers faced by people with disabilities to registering and voting at the polls, limited voter education efforts targeting voters with disabilities, and little public awareness or discussion about the power of the disability vote.

VP&A is working with several other Vermont disability advocacy and service providers this year to improve this situation. As part of the Vermont's ADA Coalition, we are working to register voters with disabilities, promote their participation in the upcoming elections, and engage in other nonpartisan voter information and education work this year.

These efforts include:

- ❖ Reminders to all agencies covered under the 'Motor Voter' act of their responsibility to offer voter registration opportunities to their clients. Covered agencies include the VT Department of Motor Vehicles, the state Agency of Human Services, and all Vermont's community mental health agencies and area Agencies on Aging.
- ❖ Production and distribution of a video to remind town clerks and election officials of their responsibility to make the voting process fully accessible to voters with disabilities. VP&A has also offered to train local election officials in these practices.
- ❖ VP&A also worked with the Secretary of State's office to produce a public service announcement for television to encourage registration and voting by individuals with disabilities. This PSA is currently being aired statewide.

All these efforts are funded under the Help America Vote Act of 2002, and sponsored by the Vermont Secretary of State's (SOS) office and VP&A.

For more information on this project, please contact Linda Cramer at VP&A: 1-800-834-7890.

¹ Source: American Assoc. of Persons with Disabilities, Disability VOTE website, at www.aapd-dc.org/dvpmain/elreform/census.html