

# Voters with Disabilities

Presidential Commission on Election  
Administration Listening Session

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# Serving Voters with Disabilities

## Federal Laws

- Voting Rights Act of 1965 - Provisions extended for 25 years in July 2006
- Voting Accessibility for the Elderly and Handicapped Act of 1984
- Americans with Disabilities Act of 1990 (ADA)
- Help America Vote Act (HAVA) of 2002

## State Laws

- California Code of Regulations Title 24 - Part of the building code that provides the specific regulations for meeting accessibility laws in California
- Election Code §12280. When designating polling places, the elections official shall undertake necessary measures in the locating of polling places to ensure that polling places meet the guidelines promulgated by the Secretary of State for accessibility
- CA Secretary of State Guidelines and Checklist (revised 2010)  
<http://www.sos.ca.gov/elections/polling-place-accessibility/>

# Lawsuits – Santa Cruz & Kern Counties

- Santa Cruz County settled the lawsuit (CA Attorney General Lockyer v. County of Santa Cruz) on April 16, 2007. Case No. CV 152681, Superior Court for the County of Santa Cruz. Agreement set duties and responsibilities for the county to ensure accessible polling sites by November 2010. Santa Cruz County achieved 97% compliance of finding the most accessible and available polling sites after the November 2010 election.
- Kern County had a similar settlement agreement (CA Attorney General Lockyer v. County of Kern) Case No. CV 256653, Superior Court of the County of Kern. Kern County also reached near complete compliance after the November 2010 election.

# Best Practices for County Election Officials

- Access Compliance Plan – guide to achieving accessible polling places
- Staffing – access program coordinator on staff and/or a private consultant, election day rovers to ensure access, compliance with the election laws
- Training – language guide, sensitivity training videos, voting equipment training labs for hands on learning
- Surveying polling sites existing and potential – training video
- Polling place binders – details/photos on how to set up each individual polling site to ensure accessibility
- Mitigation measures – temporary thresholds, ramps, cones to create accessible parking places, mats to cover grates, temporary accessible door hardware, signage
- Accessibility Tools for Voters and Poll Workers – magnifying glass, easy grip devices, large font election materials, plain language materials
- Accessible Voting – one device that allows voters to vote independently and privately – offer to every voter, set up and ready at all times
- Local outreach – County Voting Accessibility Advisory Committee, outreach to residential and care facilities, ballot delivery, participation in county fairs, parades, events to register voters and demonstrate voting system

# State VAAC – A Best Practice

- Secretary of State has a Voting Accessibility Advisory Committee made up of county election officials and disability rights advocates to advise her office on best practices.
  - Revised accessibility checklist, guidelines, and training video on how to survey a polling site
  - Conducted a survey of voters with disabilities to identify barriers to voting so they can be corrected
  - Advocated for election materials to be in alternate formats resulting in a sign language video Guide to Voting in California
  - Currently working on making online voter registration and the Secretary of State's website accessible to persons with various disabilities



# Challenges

- Most polling place facilities are not owned by the county. Yet, we must make sure they are compliant with federal and state access laws for the few days we use them during an election cycle. It is VERY difficult to get the owners of the facilities to make permanent changes to remove barriers and make their facilities accessible 365 days a year.
- While we have reduced our barriers at sites, Santa Cruz County does not have a single polling place that is barrier-free without mitigation.
- Agencies responsible for determining access compliance often sign off on facilities that do not meet federal and state accessibility standards.
- Once we find an accessible polling place, it is difficult to secure it for every future election, especially special elections called with little advance notice.
- While California law requires school facilities to be made available for voting, due to security concerns, schools are not willing to have their sites used on Tuesdays when school is in session. If space is provided, it may not be ideal and most accessible.
- 37 of the 58 counties do not have local Voting Accessibility Advisory Committees to assist and advise election officials. The State VAAC and CACEO are working on assisting those counties with finding members to participate.

# More Challenges!

- Federal voting system tests have passed through equipment that does not meet the standards and does not address the needs of voters with all types of disabilities.
  - Audio units do not meet the needs of voters who need to stop and start the audio unit.
  - Accessible units were passed without ensuring there was sufficient depth, width, and height to accommodate a person who uses a wheelchair – Santa Cruz County had vendor retrofit units. We are now using HAVA grant funds to buy separate accessible tables for the units.
- Voting systems are antiquated, equipment is starting to fail, replacement parts are difficult if not impossible to obtain. We have had an especially difficult time with our audio units. It took 2 years for us to find 10 replacement units due to the fact that they are no longer being manufactured.

# Santa Cruz County Stats

Dominion voting system – Optech scanner & AVC Edge at each polling place

Election Date	Registration	Final Turnout	Total Ballots Cast - Final	Final Precinct Ballots Counted	Final VBM Counted	Total DRE Votes qualified
Nov-12	158,641	76.48%	121,323	56,951	64,372	8,442
Jun-12	146,936	39.83%	58,526	23,671	34,855	5,046
Nov-10	148,500	66.02%	98,037	47,636	50,401	7,659
Jun-10	146,821	37.52%	55,084	24,047	31,037	4,696
May-09	147,099	33.92%	49,900	20,586	29,357	5,060
Nov-08	148,361	86.65%	128,555	68,053	60,502	9,754
Jun-08	139,827	39.23%	54,848	25,239	29,519	6,023
Feb-08	136,144	66.94%	91,133	52,700	38,433	9,451
Nov-06	142,428	64.76%	92,236	50,189	42,047	4,831