

Removing Barriers for Voters with Disabilities

A Guide for Local Officials

This guide produced in part with a grant from ADA-Indiana.

Table of Contents

Introduction	2
Statewide Polling Place Accessibility Surveys	3
Local Advisory Councils	3
HAVA Highlights	4
Polling Place Access	6
Parking	7
Passenger Drop-off Areas	8
Sidewalks and Walkways	8
Entering the Polling Place	10
Hallways and Corridors	11
Using the Polling Place	13
Common Courtesies	14
Laws Relevant to Voters with Disabilities	15
Frequently Asked Questions about the ADA	15
Frequently Asked Questions about HAVA	16
Funding Accommodations for People with Disabilities	16
Tax Incentives for Improving Accessibility	18
Service Clubs	20
Resources	21
Appendix: Population of People with Disabilities, by County	26

Introduction

Voting is a right that is paramount to being an American. The founders of our nation fought for and believed in the ability to voice one's opinion in the political process. Even so, many people – such as African-Americans and women – have had to fight to have their voices heard.

The same is true for people with disabilities. It is the civil right of people with disabilities to cast their vote on Election Day. People with disabilities work, pay taxes and are subject to legislation. They also have hopes, dreams and goals, and they deserve to help choose the leaders who will help them to achieve those goals.

The Help America Vote Act (HAVA) of 2002 was designed to improve the election process by creating a federal agency to serve as a clearinghouse for election information, providing funds for states to improve voting administration and replace outdated voting systems, and creating minimum standards for states to follow concerning several key components of elections. Indiana's own election reform legislation states that all polling places must be accessible to people with disabilities by January 1, 2006.

The Americans with Disabilities Act (ADA) also affects the rights of people with disabilities. This comprehensive civil rights legislation covers many aspects of society, from employment to the accessibility of public and private buildings. This law was the framework upon which HAVA's accessibility provisions were built.

This guide explains polling place accessibility and can be used as a reference for counties working to become compliant with the Help America Vote Act. Each polling place is unique and may require additional expertise; please make sure that those involved in the modifications are familiar with ADA accessibility guidelines. Your hard work will help ensure that all Hoosiers have the opportunity to vote at their local polling places.

Statewide Polling Place Accessibility Surveys

The Vote Indiana Team was convened by Secretary of State Todd Rokita to develop Indiana's HAVA implementation plan. County officials, political parties, military representatives and people with disabilities all had seats at the table. Indiana's plan called for a statewide polling place survey to identify accessibility concerns. The Governor's Council for People with Disabilities was charged with conducting the survey, and the Council's voter participation project, Count Us IN, carried out that charge. The state plan calls for people with disabilities to conduct the surveys whenever possible and says that surveys should be conducted under real circumstances on Election Day.

Working collaboratively with each county's circuit court clerk, other election officials, the local disability community and others, Count Us IN has overseen the survey process from start to finish. Once the survey data is compiled, Count Us IN prepares two reports: an overview of the number and kind of accessibility problems in the county and a narrative report that lists every access problem in every polling place.

Marion County was surveyed in November 2003, and 48 more counties were surveyed in May 2004. The remaining 43 counties will be surveyed during the November 2004 election.

Based on the surveys already conducted, three accessibility problems have emerged as the most prevalent. These include accessible parking spaces without post-mounted signs, a lack of accessible van parking space, and doors without push plates or other handles that can be operated with a closed fist.

Local Advisory Councils

“Each county will form a local advisory council composed in part of voters with disabilities and elderly voters. This council will advise the local officials on polling place accessibility and site selection. The survey and the establishment of the local council will be a required criteria for counties applying for reimbursement for voting systems.”

– Indiana HAVA State Plan

Overview

In addition to the statewide accessibility survey, the Indiana HAVA State Plan also calls on each county’s executive body to appoint a Local Advisory Council. The council is composed of county officials, people with disabilities and senior citizens. Its job is to review the county’s survey results and make recommendations regarding needed changes to ensure all polling places comply with the accessibility provisions of HAVA by January 1, 2006.

The Local Advisory Councils are an important component of the successful implementation of the voter access portions of HAVA. At the local level, the councils provide a way for citizens with disabilities and others familiar with access challenges to contribute their unique experience and knowledge. As with the surveys, the Local Advisory Councils give citizens with disabilities the opportunity to help implement a law intended for their benefit.

Membership

Accessibility involves more than just ramps and designated parking spaces. When forming a Local Advisory Council, it is beneficial to include members with many different kinds of disabilities. While it is important to include someone who uses a wheelchair, strive to include people with other disabilities, as well.

Sources of Local Advisory Council Members

The Governor’s Council for People with Disabilities maintains several mailing lists that may include contact information for people with disabilities in your community who could serve on the Local Advisory Council. Graduates of the Council’s leadership training program, Partners in Policymaking, are an excellent source for volunteers who are knowledgeable about disability issues and committed to community-building activities. Contact the Council at (317) 232-7770 (voice/TT) for information about Partners graduates in your county.

Other contacts include independent living centers, Area Agencies on Aging, places of worship, veterans’ groups, disability service providers, mayors’ councils on disability, college and university assistance centers and interest groups for students with disabilities, and Self-Advocates of Indiana. Check the directory at the end of this guide for contact information.

Community Involvement: Reaching Out

While the Indiana HAVA State Plan calls for county officials to work with citizens with disabilities and seniors on polling place accessibility, it is wise to make the process as inclusive as possible. Reach out to business owners, labor leaders, the faith community,

service clubs and others to educate them about the problem and to enlist their help in finding solutions. A community-wide effort will be more likely to garner the necessary resources and will have more “buy-in” from voters with disabilities.

Reminders and Suggestions

- Schedule meetings of the Local Advisory Council in an accessible location.
- Provide materials in alternative formats, as requested.
- Compile a mailing list of interested persons whose help you may need (hardware store owners, carpenters, builders, sign makers, service club presidents, etc.). Invite them to the Local Advisory Council meetings and send regular updates.
- At the first meeting, develop a timeline and action plan to address accessibility concerns in your community.

HAVA Highlights

The following are excerpts from the Indiana HAVA State Plan.

What is HAVA?

In 2002, Congress passed the Help America Vote Act, which President George W. Bush signed into law on October 29, 2002. HAVA embraces the goals of election reform by expecting all levels of government to provide a democratic process that does the following:

- Maintains an accurate list of citizens who are qualified to vote.
- Encourages every eligible voter to participate effectively.
- Uses equipment that reliably clarifies and registers the voter’s choice.
- Conducts elections in a foreseeable and fair way.
- Operates with equal effectiveness for every citizen and every community.
- Reflects limited but responsible federal participation.

New Indiana law also requires that voting systems be accessible for individuals with disabilities, including non-visual accessibility for people who are blind or have visual impairments, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters. A county satisfies these requirements if the election board provides at least one electronic voting system equipped for individuals with disabilities at each polling place. Indiana also passed legislation in 2003 requiring that each voting system produce a permanent paper record with a manual audit capacity for the system and provide the voter with an opportunity to change the ballot or correct any error before the permanent paper copy is produced. The record produced must be made available as an official record for a recount or contest conducted with respect to any election in which the voting system was used.

The team recommends the creation of a committee comprised of voters with disabilities to assist in the certification process of voting systems and to evaluate voting systems’ accessibility.

Accessibility of Polling Place Materials

The Secretary of State's Office will form a partnership with the Governor's Council for People with Disabilities to conduct a statewide polling place accessibility study that will establish a baseline regarding Indiana's current polling place accessibility. Each county will also form a local advisory council composed in part of voters with disabilities and elderly voters. The Governor's Council will supply suggested members for the local advisory councils upon request. This council will advise local officials on polling place accessibility and site selection. The survey and the establishment of the local council will be a required criteria for counties applying for reimbursement for voting systems. Information will be provided by the Indiana Election Division to local election officials with suggestions about making their written materials and Web sites more accessible to voters with disabilities. The information will be created and organized by the Governor's Council. Additional outreach will be directed toward military and overseas voters. Currently, neither the state nor local officials have a maintenance of effort requirement for polling place accessibility or for the updating of materials and Web sites into accessible formats.

Local Advisory Council

A county's local advisory council may consist of any number of members but must include at least two representatives of the disability communities or elderly voters. The membership of the council shall be appointed by the county executive, who shall encourage county residents with a variety of backgrounds, partisan affiliations and perspectives to participate. If county residents are not available to serve on the council, the county executive may partner with the Governor's Council for People with Disabilities to carry out functions of the council.

Additional Funding: Health and Human Services Grant

HAVA also authorizes the United States Secretary of Health and Human Services (HHS) to administer a grant program to do the following: (1) make polling places, including the path of travel, entrances, exits and voting areas of each polling place, more accessible to individuals with disabilities, including the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as other voters; and (2) provide individuals with disabilities and other individuals described in (1) with information about the accessibility of polling places, including outreach programs to inform individuals about the availability of accessible polling places, and train election officials, poll workers and election volunteers on how best to promote the access and participation of individuals with disabilities in elections.

The federal omnibus budget bill of 2003 and Indiana's Public Law 209-2003 authorizes the state (through the Secretary of State, with the consent of the Indiana Election Division co-directors) to apply for grant funds. The funds are to be distributed based on each state's voting-age population as a percentage of the national voting-age population. HHS estimates that Indiana's share of these funds for 2003 will be \$251,048.

In July 2003, the Secretary of State applied for these grant funds to be used in accordance with the requirements set forth in the HHS Federal Register notice of May 21, 2003, as

amended and corrected May 29, 2003. To provide individuals with disabilities with information regarding the accessibility of polling places, the Secretary of State's office plans to conduct a statewide survey utilizing people with disabilities as the survey takers. The Governor's Council for People with Disabilities will coordinate the survey project, tabulate the results and provide the information to the counties. The Council will also assist local election officials in forming local advisory councils composed of elderly voters, voters with disabilities and local election officials. The local councils will review the accessibility survey results and make recommendations to the county executive about making accessibility accommodations and/or moving polling places to accessible locations.

The Secretary of State and Indiana Election Division will prepare a budget for use of grant funds received from HHS. The team estimates up to \$60,000 will be necessary to conduct the survey described above.

In 2003, Indiana passed the following standards for polling place accessibility under public law 116-2003. For purposes of this chapter, a facility is an accessible facility for elderly voters and voters with disabilities only if the following apply:

- 1) The facility meets the standards for accessibility for elderly voters and voters with disabilities established by 42 U.S.C. 1973ee-1 through 42 U.S.C. 1973ee-6.
- 2) All the following are accessible to elderly voters and voters with disabilities in a manner that provides the same opportunity for access and participation (including privacy and independence) as for others:
 - a. Parking spaces marked and available to conform with IC 5-16-9.
 - b. The path to the facility that an individual must travel on the property where the facility is located.
 - c. The entrance of the facility to be used by voters.
 - d. The paths of travel within the facility to the rooms where the voting system is located.
 - e. The rooms or areas in the facility where the voting system is located.

Source: Indiana HAVA State Plan.

Polling Place Access

There are 54 million Americans with disabilities and more than half a million potential voters with disabilities in Indiana. These disabilities are more diverse than just wheelchair use. Disabilities include:

- Impaired vision.
- Impaired mobility.
- Impaired communication.
- Impaired dexterity.

In addition, disabilities vary in their type and profoundness. When addressing polling place accessibility issues, it is important to consider these various types and levels of disability.

Impaired Vision

Total blindness is the most extreme form of this disability, but many people who have some eyesight require assistance with voting. Many of their needs can be met with:

- Good lighting in registration areas, voting areas and stairways.
- Large type (at least 14-point type, bolded) for instructions, registration forms and ballots.
- Magnifying devices.
- Assistance in voting. The Voting Rights Act permits virtually anyone of the voter's choice to provide assistance.
- Assistance reading ballots (audio recording or a staff member).

Impaired Mobility

Wheelchair usage is the most recognized form of mobility impairment, but there are other forms, as well. People who use walkers or canes, the elderly, and others have different forms of mobility impairment. Here are some things that can help such people access the polling place:

- Avoid making voters travel long distances.
- Ensure that doors are not unnecessarily heavy.
- Ensure that internal steps have alternate access (ramps or elevators).
- Ensure that walking spaces are non-skid and free of trip hazards.
- Provide adequate seating.

Impaired Communication

Impaired communication refers to both speech and hearing difficulties. Many of the problems associated with impaired hearing can be solved with written instructions. Impaired speech does not present many access issues, but poll worker sensitivity training in this area can be helpful.

Impaired Dexterity

Impaired dexterity refers to problems grasping items. Its extreme form is paralysis, but there are many other types, such as arthritis. To remedy these issues, consider fitting doorknobs with devices that convert them to levers and providing a stylus with a knob that can be easily grasped.

Parking

Typical Issues

When parking is provided for voters, staff members and volunteers, accessible parking must be provided for people with disabilities. Voters with disabilities who arrive by automobile need a parking space close to an accessible entrance. The accessible parking space should have an adjacent access aisle that provides room to open an automobile door

fully and stand with the aid of a walker, transfer to a wheelchair or lower a wheelchair lift. The access aisle should connect directly to an accessible route that leads to an accessible building entrance. To be usable, the access aisle must be relatively level, clear of gravel and mud, and in good condition, without wide cracks or broken pavement.

Temporary Solutions for Election Day

Problem: Parking is available, but no accessible parking is provided or there are not enough accessible spaces.

Suggestion: Find a relatively level parking area near the accessible entrance and designate the area for accessible parking spaces and adjacent access aisles. Use three parking spaces to make two accessible parking spaces with an access aisle. Traffic cones or other temporary elements may be used to mark the spaces and access aisles. Provide a sign designating each accessible parking space and make sure the access aisle of each space is connected to the accessible route to the accessible entrance.

Problem: Accessible parking is provided, but it does not have a marked access aisle next to each accessible space.

Suggestion: Re-stripe the accessible parking spaces to provide an access aisle. As a temporary solution for Election Day, use traffic cones to mark off the access aisle and curb ramp area. The first accessible parking space provided should be a van accessible parking space with an access aisle that is at least 96 inches wide.

Problem: Accessible parking spaces or access aisles are on a sloped surface.

Suggestion: Find a parking area that is close to the accessible entrance and more level. Provide accessible parking spaces and access aisles in that area. Make sure the accessible parking spaces connect to an accessible route to the entrance. Provide a sign designating each accessible parking space.

Problem: No sign with the international symbol of accessibility is installed at accessible parking spaces.

Suggestion: Provide a temporary sign in front of each accessible parking space.
Problem: The parking lot is gravel and cannot be paved.

Suggestion: Allow people with disabilities to park on a paved surface with access to the polling place or move the polling place to a site with paved accessible parking.

Passenger Drop-Off Areas

Typical Issues

Some voters with disabilities will be driven to the polling place and dropped off near the entrance in a passenger drop-off area. If the polling place has passenger drop-off areas, at

least one drop-off area must be accessible. An accessible drop-off area, also known as an accessible passenger loading zone, must have a level access aisle, adjacent and parallel to the vehicle space. Where a curb separates the vehicle space from the access aisle or the access aisle from an accessible route, a curb ramp must be provided.

The access aisle may be at street level or sidewalk level. If it is at sidewalk level, a curb ramp must be provided between the street and the sidewalk. If the access aisle is at street level, the curb ramp must be provided between the access aisle and the sidewalk.

Temporary Solutions for Election Day

Problem: A passenger drop-off and loading zone is provided, but there is no curb ramp between the vehicle area and the sidewalk leading to the accessible polling place entrance.

Suggestion: Provide a portable ramp with edge protection in an area where the vehicle area and sidewalk are relatively level. The curb ramp must connect to an accessible route to the accessible polling place entrance.

If the drop-off and loading zone is not relatively level, consider relocating the accessible drop-off area and using one parking space next to the area where accessible parking is located to provide an accessible drop-off and loading zone. Cones or another temporary barrier may be needed to keep the parking space clear.

Sidewalks and Walkways

Typical Issues for Voters Who Use Wheelchairs, Scooters or Other Mobility Aids

At least one accessible route must connect accessible passenger drop-off areas, accessible parking spaces and other accessible elements. An accessible route is essential for people who have difficulty walking or who use wheelchairs or other mobility aids.

An accessible route is at least 36 inches wide and may narrow briefly to 32 inches where utility poles, post-mounted signs, furniture and doorways are located. Abrupt level changes, steps or steeply sloped sidewalks cannot be part of an accessible route. Where ramps are used, they cannot be steeper than 1:12. Ramps with a vertical rise of more than 6 inches must have handrails on both sides. Ramps must have edge protection, as well as level landings at the top and bottom of the ramp and whenever the ramp changes direction.

Temporary Solutions for Election Day

Problem: The sidewalk connecting parking to the polling place entrance is too steep to be accessible.

Suggestion: Check to see if another sidewalk can provide an accessible route to the accessible entrance. Sometimes a less direct route can serve as the accessible route.

Problem: The accessible route crosses a curb and no curb ramp is provided.

Suggestion: Install a portable ramp with edge protection.

Problem: One or two steps are part of the walkway leading to the accessible entrance.
Suggestion: Install a portable ramp no steeper than 1:12 slope with edge protection and handrails.

Typical Issues for Voters Who Are Blind or Have Low Vision

Objects that are wall-mounted, project into a pedestrian route from the side or hang overhead must be located so that people who are blind or have low vision can detect the objects or safely pass underneath them. Examples include handrail extensions on stairs and ramps, post or wall-mounted signs, outdoor drinking fountains, and tree limbs that are lower than 80 inches above the walkway. Pedestrian routes open to voters, such as sidewalks, courtyards and plazas, must be free of overhanging objects that are less than 80 inches above the route.

Other hazards are objects more than 27 inches and less than 80 inches above the route that protrude from the side by more than 4 inches. All pedestrian routes must be checked. The illustration below can be used as a guide.

Temporary Solutions for Election Day

Problem: Branches or other objects over a walkway or pedestrian route are lower than 80 inches above the walkway.

Suggestion: Prune the branches or remove the items. Another approach is to install a detectable barrier under the items. The barrier must be within the detectable range of 27 inches or less above the route.

Problem: One or more objects protrude too far from the side into the walkway.

Suggestion: When people who are blind or who have low vision use a cane to detect hazards, objects located at 27 inches or lower are detectable. When an object is located more than 27 inches off the ground, it is a hazard if the object protrudes more than 4 inches into the walkway. To make a protruding object detectable:

- Place an object or barrier below the protruding object and not more than 27 inches above the floor.
- If the protruding object can be moved, lower the object so its bottom is within the cane-detectable area (not more than 27 inches above the floor).
- Prune or alter the protruding object.

Entering the Polling Place

Building Entrance: Typical Issues

An accessible polling place must have at least one accessible entrance. The accessible entrance must be connected to an accessible route. An accessible entrance must provide

at least one accessible door with maneuvering space, accessible door hardware and enough width to accommodate people who use crutches, canes, walkers, scooters or wheelchairs.

If the accessible entrance is not the main entrance, signs must be located at inaccessible entrances to the polling place to direct voters to the accessible entrance. The accessible entrance must remain open as long as the polling place is open.

Temporary Solutions for Election Day

Problem: One or two steps at the entrance prevent access.

Suggestion: If another entrance is accessible and on an accessible route, designate it as the accessible entrance and install a sign at the main entrance directing voters to the accessible entrance. Keep the accessible entrance unlocked during voting hours. If another accessible entrance is not available, install a temporary ramp with edge protection and handrails.

Problem: There is a small step at the entrance.

Suggestion: Install a temporary ramp to provide a smooth transition.

Problem: Entrance door threshold has an abrupt change in level of more than 1/4 inch and no beveled sides.

Suggestion: If the threshold is not more than 3/4 inch high, add beveled surfaces to both sides of the threshold or replace with a new threshold that is no more than 1/2 inch high and has beveled sides.

Problem: Entrance door to the building is heavy and difficult to open.

Suggestion: Keep the door propped open or station volunteers near the door to open it for voters.

Problem: The door handle and/or latch at the entry door is not accessible.

Suggestion: Add an accessible pull or handle to the outside of the door and leave the door unlatched, or install an accessible door handle and hardware. As an alternative, prop the door open.

Hallways and Corridors

Typical Issues for Voters Who Use Wheelchairs, Scooters or Other Mobility Devices

The interior accessible route connects the accessible entrance with the voting area. The accessible route is essential for people who have difficulty walking or who use wheelchairs or other mobility aids.

An accessible route is at least 36 inches wide and may narrow briefly to 32 inches where the route passes through doors or next to furniture and building elements. High thresholds, abrupt level changes, steps or steeply sloped hallways cannot be part of an accessible route. Where ramps are used, they cannot be steeper than 1:12. Ramps with a vertical rise of more than 6 inches must have handrails on both sides. Ramps must have edge protection, as well as level landings at the top and bottom of the ramp and whenever the ramp changes direction.

Where an accessible route is different from the route used by most voters, directional signs are needed.

Temporary Solutions for Election Day

Problem: One or more steps in the hallway block access.

Suggestion: Install a portable ramp with edge protection and handrails, as shown in the figure, or relocate the voting area to an area that is on an accessible route.

Problem: The voting area is not on an accessible route and cannot be made accessible.

Suggestion: Look for another area where accessible voting may be provided. For example, if a polling place in a private home has stairs, perhaps the garage may be accessible when entered from the driveway. Or, if a church's basement is used as a polling place and it is not accessible, perhaps one of the ground floor rooms could be used as the accessible voting area.

Typical Issues for Voters Who Are Blind or Have Low Vision

People who are blind or have low vision may walk along any route to access the voting area. That means all routes must be free of objects that cannot be detected by a person who is blind or has low vision. Objects that are wall-mounted, project into a pedestrian route from the side or hang overhead must be located so voters can detect the objects or safely pass under them.

These routes must be free of overhanging objects that are less than 80 inches above the floor and side objects that protrude into the route more than 4 inches when the bottom of the object is more than 27 inches above the floor. Items to watch for include wall-mounted fire extinguishers and wall-mounted display cases when the bottom is more than 27 inches above the floor; wall sconces and light fixtures that protrude more than 4 inches from the wall; and open staircases, exit signs, overhead signs, banners and arched doorways that are lower than 80 inches above the floor.

Temporary Solutions for Election Day

Problem: A wall-mounted display case is a hazard because it projects more than 4 inches from the wall and the bottom of the case is more than 27 inches above the floor.

Suggestion: Place a detectable object or skirting below the case. The bottom of the skirting or detectable object must be no higher than 27 inches above the floor.

Problem: A ceiling- or wall-mounted television monitor has less than 80 inches of clearance between the floor and the bottom of the unit.

Suggestion: Place a detectable object below the unit (no more than 27 inches above the floor).

Problem: The bottom of a staircase is open, and voters who are blind or have low vision can hit their heads on the underside of the staircase.

Suggestion: Provide a detectable fence or other object so voters cannot walk under the staircase.

Using the Polling Place

Voting Area: Typical Issues

The accessible voting area must be on an accessible route and have an accessible entrance and adequate maneuvering space for voters with mobility impairments.

An accessible route must connect the accessible building entrance to the accessible voting area, which includes voter check-in and voting machines. Also identify any protruding objects (wall-mounted or overhead) along the route.

Source: ADA Checklist for Polling Places, published by the U.S. Department of Justice.

Common Courtesies

If a voter with a disability requests assistance, please remember these guidelines:

- Speak of the person first, then the disability. Say “the woman who is blind” instead of “the blind woman.”
- Emphasize abilities, not limitations.
- Do not label people as part of a disability group. Don’t say “the disabled” or “the handicapped.” Instead, say “people with disabilities.”
- Don’t give excessive praise or attention to people with disabilities; don’t patronize them.
- Let the person do or speak for himself or herself. Choice and independence are important.
- Wait until your offer of assistance is accepted. Then listen or ask for instructions.
- Relax. Don’t be embarrassed if you happen to use accepted, common expressions such as “See you later” or “Did you hear about that?” that seem to relate to a person’s disability.
- Don’t be afraid to ask questions when you don’t know what to do.
- Speak directly to the person who has a disability rather than to a companion who may be accompanying him or her. Speak calmly, slowly and directly to a person who has a hearing impairment.
- Your facial expressions, gestures and body movements help in understanding.

- Don't shout or speak in the person's ear. If full understanding is doubted, try writing a note to the person.
- Before pushing someone in a wheelchair, ask if you may do so and how you should proceed.
- Greet a person who is visually impaired or blind by letting the person know who and where you are. Provide a guiding device such as a ruler or card for signing forms.
- Be aware that animals that assist people with disabilities must be admitted into all buildings. Such animals are highly trained and need no special care other than that provided by the owner.
- Make sure poll workers are fully trained. Specifically, make sure they are trained on how to lower the voting machine to make it accessible for people using wheelchairs. Also make sure that any extra equipment (such as a crank) needed to operate the machine is at the polling place and available on Election Day.

Source: National Organization on Disability.

Laws Relevant to Voters with Disabilities

Voting Rights Act of 1965 – Prohibits discriminatory voting practices and procedures, which can include redistricting plans and at-large election systems, poll worker hiring, and some voter registration procedures. Allows voters with disabilities to receive assistance from a person of the voter's choice, other than the voter's employer or agent of the employer or union.

Rehabilitation Act of 1973 – Requires recipients of federal funds to make their programs and activities accessible to people with disabilities. Both private and public entities are included.

Voting Accessibility for the Elderly and Handicapped Act (VAA) of 1984 – Calls for polling and voter registration locations to be accessible to citizens with disabilities. The act also says if a location is not accessible, the voting site will be moved to a new location or a polling official will come to the home of a person who cannot access the polling site and register him or her to vote or take his or her ballot.

Americans with Disabilities Act (ADA) of 1990 – Ensures that alternative means of registration and voting are accepted ways to participate in an election. Title II covers state and local governments and requires facilities and services to be accessible. Title III requires public places, such as restaurants and stores, to be accessible.

National Voter Registration Act of 1995 (Motor Voter Law) – Requires any government offices that license motor vehicles or provide services using state monies to offer citizens the chance to register to vote. Because citizens with disabilities are often clients of government and private agencies that provide services using tax dollars, the Motor Voter Law is an important law to increase political participation by citizens with disabilities.

Help America Vote Act (HAVA) of 2002 – Requires all polling places to be accessible and mandates that polling places offer at least one voting machine allowing voters with disabilities, including those with visual impairments, to cast their ballots privately and independently.

Frequently Asked Questions about the ADA

Does the ADA apply to state and local governments?

Title II of the ADA applies to all state and local governments and prohibits discrimination against qualified people with disabilities in all programs, activities and services.

How does Title II affect participation in a state or local government's programs, activities and services?

State and local governments must eliminate eligibility criteria that screen out or tend to screen out people with disabilities. Governments may, however, adopt legitimate safety requirements based on real risks, not on stereotypes or generalizations about people with disabilities. A public entity must reasonably modify its policies, practices or procedures to avoid discrimination, unless a particular modification alters the nature of a service, program or activity.

What does Title II require for new construction and alterations?

The ADA requires that all new buildings constructed by a state or local government be accessible. In addition, when a state or local government undertakes alterations to a building, it must make the altered portions accessible.

How can a state or local government know whether a new building is accessible?

A state or local government will be in compliance if it follows either of two accessibility standards. It can choose the Uniform Federal Accessibility Standards or the ADA Accessibility Guidelines for Buildings and Facilities. If it chooses the ADA Accessibility Guidelines, it is not entitled to the elevator exemption, which permits certain private buildings less than three stories or 3,000 square feet per floor to be constructed without an elevator.

How are the ADA's requirements for state and local governments enforced?

Private individuals may bring lawsuits to enforce their rights under Title II and may receive remedies including reasonable attorney's fees. Individuals may also file complaints with designated federal agencies, including the Department of Justice and the Department of Transportation.

Source: U.S. Department of Justice, Civil Rights Division: www.usdoj.gov/crt/ada/q%26aeng02.htm.

Frequently Asked Questions about HAVA

Question: What is the deadline for compliance with the new polling place standards?

Answer: The deadline, as established by Indiana law, is January 1, 2006.

Question: Why do we need one accessible machine per polling place? Can't we just designate one location for voters with disabilities?

Answer: All polling places must have at least one accessible voting machine so that every voter, regardless of disability, can vote in person and without assistance. It is law at both the state and federal levels.

Question: Will there be money to make polling places accessible?

Answer: Yes, but don't overestimate the availability or size of accessibility grants. Currently, the state has received about \$400,000 from the federal government to make polling places accessible. There is a possibility that a county could use leftover voting equipment dollars for polling place accessibility. All questions on the use of federal HAVA funds should be directed to the Election Division or the HAVA administrator in the Secretary of State's office.

Question: Must polling place restrooms be accessible?

Answer: No.

Funding Accommodations for People with Disabilities

Often, making accommodations to achieve full accessibility requires the expenditure of funds for portable ramps, special hardware or other items. While federal funding is available to help counties with these costs, it is expected that the federal funds appropriated will not cover all costs. For this reason, counties should explore other funding options, including the following.

Donated Materials

Local businesses may be willing to donate the necessary materials. For example, a hardware or building supply store might donate accessible door hardware or wood to build ramps. Just keep the following in mind:

- Some chain stores make all donation decisions at the corporate level; call the local manager and ask.
- Some businesses have an annual donation target; once they reach that number, they do not make additional donations. Know when to ask.

- Personal relationships matter. You are more likely to receive donations if you are an established customer.
- Does the business employ people with disabilities? If so, it is probably a good source for donations.
- Ask for something specific, such as accessible door hardware. Open-ended requests (“whatever you can give”) are vague, seem non-urgent and are often unproductive.

Service Clubs

Organizations such as Kiwanis, Lions or Rotary clubs are often looking for local service projects, and making accommodations to polling places is an important effort with which they could get involved. In Hancock County, the Greenfield Lions Club is a perfect example. Because a club member has a son with a disability, the club members were interested in helping to conduct polling place surveys throughout the county. The surveys became a club project; members have also volunteered to build ramps, install door hardware and make other modifications.

Identify service clubs in your community, learn about their missions and approach those you think might help. Contact the club president and ask for five minutes at the next meeting to talk about polling place accessibility and ask for volunteers.

Political Parties

Because of their direct interest in elections, political parties can be a good source of volunteers to raise money for accessibility or help make modifications.

Civic Clubs

Groups like the League of Women Voters are interested in helping increase voter participation, so they will often help raise the needed funds.

Building Trades

Local unions can be approached about donating labor for making improvements.

Veterans’ Organizations

The American Legion, VFW, Paralyzed Veterans of America and other groups often have local chapters. Indeed, many of these organizations’ facilities serve as polling places. Local veterans’ groups can often be called upon to help because they have an interest in both voting and disability.

Local Disability Groups

Is there an independent living center in your county or nearby? Perhaps your community has a support group for people with multiple sclerosis or another chronic disease. Because these groups include voters with disabilities, they have a keen interest in voting accessibility and are good sources of expertise and volunteers.

Colleges and Universities

College and university campuses have many community service groups, as well as groups of students with disabilities. Consider fraternities/sororities, service clubs or the department offering services to students with disabilities.

Community Foundations

All Indiana counties have a community foundation, and almost all of these organizations prioritize funding for “civic affairs.” Additionally, many support disability organizations through grant funds. Talk to the director of your county’s foundation to see if the organization might have an interest in funding polling place improvements.

One caveat: Foundations are required, through tax laws, to make grants only to nonprofit organizations (almost always 501(c)(3) organizations). Local governments do not qualify. To pursue this approach, it may be necessary to partner with a nonprofit organization that is eligible to receive foundation funding.

If you approach inaccessible polling places as a community problem and ask for help from a diverse group of community organizations and volunteers, you will lighten the county’s financial burden and create an atmosphere of cooperation and inclusion from which your community, and all voters, will benefit.

Tax Incentives for Improving Accessibility

Many polling places in Indiana are located in private buildings. You may request that the building owners make modifications on their own to bring the facility into compliance with the ADA and HAVA. Sometimes, county officials believe owners of private buildings will refuse to make accommodations, forcing the county to spend public dollars on a private facility or identify an alternative polling place. This assumption is not always accurate.

If the polling place is located in a business, educate the owner about the number of people with disabilities in your county (see Appendix for these numbers). These people represent potential new customers if the business becomes accessible. Further, accessibility improvements will help not only people with disabilities but also people with strollers, the elderly and others.

In addition, many tax incentives are available for accessibility modifications. You can share the following information with building owners as you encourage them to make their facilities accessible. If the polling place is a place of worship, nonprofit organization or other entity that cannot benefit from tax incentives, it can often be persuaded by the needs of aging parishioners and/or clients, in addition to people with disabilities.

Available Incentives

Two tax incentives are available to businesses to help cover the cost of making access improvements. The first is a tax credit that can be used for architectural adaptations,

equipment acquisitions and services such as sign language interpreters. The second is a tax deduction that can be used for architectural or transportation adaptations.

NOTE: A tax credit is subtracted from a business's tax liability after it calculates its taxes, while a tax deduction is subtracted from its total income before taxes, to establish its taxable income.

Tax Credit

The tax credit was established under section 44 of the Internal Revenue Code to help small businesses cover ADA-related access expenditures. A business that for the previous tax year had revenues of \$1 million or less or 30 or fewer full-time workers may take advantage of this credit, which can be used to cover:

- Provision of readers for customers or employees with visual disabilities.
- Provision of sign language interpreters.
- Purchase of adaptive equipment.
- Production of accessible formats of printed materials (i.e., Braille, large print, audio tape, computer diskette).
- Removal of architectural barriers in facilities or vehicles. (Alterations must comply with applicable accessibility standards.)
- Fees for consulting services (under certain circumstances).

Note that the credit cannot be used for new construction. It can be used only for adaptations to existing facilities that are required to comply with the ADA.

The amount of the tax credit is equal to 50 percent of the eligible access expenditures in a year, up to a maximum expenditure of \$10,250. There is no credit for the first \$250 of expenditures. The maximum tax credit, therefore, is \$5,000.

Tax Deduction

The tax deduction, established under Section 190 of the Internal Revenue Code, has a maximum of \$15,000. A business of any size may use this deduction for the removal of architectural or transportation barriers. The renovations must comply with applicable accessibility standards.

Small businesses can use these incentives in combination if the expenditures incurred qualify under both Section 44 and Section 190. For example, a business that incurs \$20,000 in expenditures for access improvements may claim the maximum \$5,000 tax credit and the maximum \$15,000 deduction. The deduction is equal to the difference between the total expenditures and the amount of the credit claimed.

Annual Incentives

The tax credit and deduction can be used annually. A business may not carry over expenses from one year to the next. However, if the amount of credit to which a business is entitled exceeds the amount of taxes it owes, it may carry forward the unused portion of the credit to the following year.

For further information, contact the following organizations or review available credits and deductions with an accountant.

Request IRS publications 535 and 334 for further information on tax incentives, or Form 8826 to claim your tax credit.

IRS Publications and Forms

(800) 829-3676 (voice)

(800) 829-4059 (TT)

IRS Questions

(800) 829-1040 (voice)

(800) 829-4059 (TT)

Legal Questions

Internal Revenue Service, Office of the Chief Counsel

Attn: Jolene Shiraishi

CC: PSI: 7

1111 Constitution Ave. NW, Room 5115

Washington, D.C. 20224

(202) 622-3120 (voice/relay)

www.irs.gov

Source: Adaptive Environments Center under contract to Barrier Free Environments.

Service Clubs

Service clubs are always looking for local service projects, so they can be of great assistance in making polling places accessible. Keep in mind that many clubs have established mandates and priorities, which they use to select their service projects. You may have the best chance of success by focusing on service clubs with a goal to increase political participation or assist underprivileged groups, such as people with disabilities.

The Greenfield Lions Club in Hancock County is a great example of how a service club can help make polling places accessible. The club administered polling place accessibility surveys as one of its projects, and members have volunteered to assist in making modifications, such as building ramps and installing accessible door hardware.

To build a similar partnership in your area, complete the following steps:

1. Identify clubs in your area and find out when they meet. Ask if you can have five minutes at the next meeting to talk about polling place accessibility.
2. Do a little research. Identify the organization's goals and values.
3. Prepare your presentation. Think about what you will say and tailor it to that group. For example, if the group serves the underprivileged, focus your presentation on helping people with disabilities. If the group is politically minded, talk about the civil rights component.
4. Be open-minded. Club members may only be interested in a certain component of the project, such as raising funds or building portable access ramps. Try to make

- use of any help club members are willing to offer, even if it's not what you had in mind originally.
5. Stay positive! You may be turned down several times before a club offers to help. Stay positive and keep looking.

Resource List

This is a partial list of service clubs in Indiana. Please contact the state office to identify a local chapter in your area.

Kiwanis Club International
3636 Woodview Trace
Indianapolis, IN 46268-3196
(317) 875-8755 (voice)
www.kiwanis.org

Lions Club International
300 W. 22nd St.
Oak Brook, IL 60523-8842
(630) 571-5466 (voice)
www.lionsclubs.org

The National Exchange Club
3050 Central Ave.
Toledo, OH 43606-1700
(419) 535-3232 (voice)
www.nationalexchangeclub.com

Pilot International
P. O. Box 4844
Macon, GA 31208
(478) 743-7403 (voice)
www.pilotinternational.org

Rotary International
One Rotary Center
1560 Sherman Ave.
Evanston, IL 60201, USA
(847) 866-3000 (voice)
www.rotary.org

U.S. Jaycees
The United States Junior Chamber
P.O. Box 7
Tulsa, OK 74102-0007
(800) JAY-CEES (voice)
www.usjaycees.org

Resources

Access Board

(800) 872-2253 (voice)
(800) 993-2822 (TT)
www.access-board.gov

ADA Coalition

Julie Garsh-Wiler, Chairperson
5800 Fairfield, Suite 210
Ft. Wayne, IN 46807

ADEC: Resources for Independence

P.O. Box 398
Bristol, IN 46507
(877) 342-8954 (voice)
(547) 848-5917 (fax)

The American Council of the Blind of Indiana

5885 N. Central Ave.
Indianapolis, IN 46220
(317) 251-2562 (voice)
gerrykoors@aol.com (e-mail)

Assistive Technology Training and Information Center

1721 Washington Ave.
Vincennes, IN 47591
(812) 886-0575 (voice/TT)
(800) 96-ATTIC (toll-free)
(812) 886-1128 (fax)
inattic1@aol.com (e-mail)

Central Indiana Interpreting Service

7576 Fern Hill Lane
Morgantown, IN 46140
(812) 597-0283 (voice/TT)
(888) 339-8758 (toll-free)
interpreter@rnetinc.net (e-mail)

Community and Family Resources Council for Community Accessibility

Craig Brenner
P.O. Box 100
Bloomington, IN 47402-0100
(812) 349-3471 (voice)

Community Services with All Deaf

711 E. Colfax Ave.
South Bend, IN 46617
(574) 234-3136 (voice/TT)
(574) 234-8177 (fax)
aconstable@uhs-in.org (e-mail)

Deaf Community Services

4740 Kingsway Dr., 3rd Floor
Indianapolis, IN 46205
(317) 479-3240 (voice/TT)
(317) 479-3232 (TT)
(317) 479-3241 (fax)
dcsterps@eastersealscrossroads.org (e-mail)

Deaf Services

6 E. 67th Ave.
Merrillville, IN 46410
(219) 769-6506 (voice)
(219) 769-8912 (TT)
(219) 769-6975 (fax)
DEAFDSI2@aol.com (e-mail)

DeafLink

2101 Fillmore St.
Fort Wayne, IN 46802
(260) 744-6145 (voice)
(260) 436-7977 (TT)
(260) 431-0079 (fax)
mkunasch@awsusa.com (e-mail)

Disability and Business Technical Assistance Centers

(800) 949-4232 (voice/TT)
www.adata.org
Disability Resource Network
Linda Loftus, Chairman
26942 Carriage Court
Elkhart, IN 46514
WFML@aol.com (e-mail)

Disability Rights Commission of St. Joseph County

Larry Phillips, President
3812 York St.
Mishawaka, IN 45644

Future Choices

309 N. High St.
Muncie, IN 47305
(765) 741-8332 (voice)
(765) 741-8333 (fax)
FutureChoicesInc@aol.com (e-mail)

Gary Mayor's Organization on Disability

Emas Bennett, Chair
c/o Everybody Counts
6701 Broadway
Merrillville, IN 46410
(219) 769-5055 (voice)

**Great Lakes Disability and Business Technical Assistance Center
University of Illinois at Chicago, Department on Disability and Human
Development**

1640 W. Roosevelt Road
Chicago, IL 60608
(312) 413-1407 (voice/TT)
(312) 413-1856 (fax)

Independent Living Center of Eastern Indiana

201 S. Fifth St.
Richmond, IN 47374
(765) 939-9226 (voice)
(765) 939-1309 (TT)
(877) 939-9226 (toll-free)
(765) 935-2215 (fax)
info@ilcein.org (e-mail)

Indiana Federation of the Blind

6010 Winnpeny Lane
Indianapolis, IN 46220-5253
(317) 205-9226 (voice)
rb15@iquest.net (e-mail)

Indiana Protection and Advocacy Services

Indianapolis and Southern Indiana
(800) 622-4845, ext. 234 (voice)
dward@ipas.state.in.us (e-mail)
Northern Indiana
(800) 622-4845, ext. 236 (voice)
ddulla@ipas.state.in.us (e-mail)

Indianapolis Resource Center for Independent Living

1426 W. 29th St., Suite 207
Indianapolis, IN 46208
(317) 926-1660 (voice/TT)
(800) 860-7181 (toll-free)
(317) 926-1687 (fax)
ircil@netdirect.net (e-mail)

Kokomo Mayor's Advisory Council

Phil Williams, Deputy Mayor
Kokomo City Hall
100 S. Union
Kokomo, IN 46901-4691
(765) 456-7444 (voice)

Mayor's ADA Committee

Sarah Songer
508 E. 4th St.
Huntingburg, IN 47542
(812) 683-2211 (voice)

Mayor's Commission on Disabilities

Owona Miller
649 Conkey St.
Hammond, IN 46320
(219) 853-6502 (voice)

Mayor's Office of Disability Affairs

Julie Paini
City County Building, Suite 2360
200 E. Washington St.
Indianapolis, IN 46204
(317) 327-3798 (voice)

Professional Interpreters for the Deaf

7329 Marshall St.
Merrillville, IN 46410
(219) 736-7512 (voice)
(219) 769-6298 (TT)
(219) 736-2499 (fax)

Resources and Advocacy for the Deaf and Hard of Hearing (RADHH)

Evansville Goodwill Industries
500 S. Green River Road
Evansville, IN 47715-7392
(812) 425-2726 (voice/TT)

(812) 425-2841 (TT)
(812) 421-3728 (fax)
cralph@evvgoodwill.org (e-mail)

River Falls Access Ability Center

845 Park Place
New Albany, IN 47150
(812) 949-4717 (voice)

The Ruben Center

9111 Broadway, Suite A
Broadfield Center
Merrillville, IN 46410
(219) 769-5055 (voice)
(219) 756-3323 (TT)
(888) 769-3636 (toll-free)
(219) 769-5325 (fax)
ecounts@netnitco.net (e-mail)

Southern Indiana Center for Independent Living

3300 W. 16th St.
Bedford, IN 47421
(812) 277-9626 (voice/TT)
(800) 845-6914 (toll-free)
(812) 277-9628 (fax)
sicil@tima.com (e-mail)

Terre Haute Community Partnership

Deb Hardin, Chair
c/o St. Mary of the Woods College
Hulman Hall, 215B
St. Mary of the Woods, IN 47876
(812) 535-5163 (voice)

Wabash Independent Living and Learning Center

4312 S. Seventh St.
Terre Haute, IN 47802
(812) 298-9455 (voice)
(877) 915-9455 (toll-free)
(812) 299-9061 (fax)

www.disability.gov

This collection of federal disability-related resources is a great way to learn more about the ADA and other disability issues.

Appendix: Population of People with Disabilities, by County

County	Population 5 to 20 years of age with disability	Population 21 to 64 years of age with disability	Population 65 years and older with disability	TOTAL
ADAMS	625	2,729	1,670	5,024
ALLEN	6,043	30,505	13,659	50,207
BARTHOLOMEW	1,239	6,829	3,738	11,806
BENTON	178	977	533	1,688
BLACKFORD	226	1,592	806	2,624
BOONE	838	6,030	1,800	8,668
BROWN	230	1,789	643	2,662
CARROLL	324	2,029	1,093	3,446
CASS	652	4,001	2,463	7,116
CLARK	2,065	11,490	4,714	18,269
CLAY	551	2,792	1,697	5,040
CLINTON	889	5,222	1,646	7,757
CRAWFORD	254	1,644	695	2,593
DAVISS	665	3,303	1,656	5,624
DEARBORN	1,053	4,735	1,839	7,627
DECATUR	388	2,206	1,317	3,911
DEKALB	807	4,072	1,649	6,528
DELAWARE	2,428	11,665	6,307	20,400
DUBOIS	509	3,394	2,000	5,903
ELKHART	4,093	19,068	7,837	30,998
FAYETTE	673	3,402	1,787	5,862
FLOYD	1,548	7,072	3,090	11,710
FOUNTAIN	310	2,068	1,152	3,530
FRANKLIN	386	2,067	1,220	3,673
FULTON	409	2,270	1,412	4,091
GIBSON	628	3,808	1,976	6,412
GRANT	1,425	8,204	4,409	14,038
GREENE	634	4,033	2,221	6,888
HAMILTON	2,800	12,134	4,396	19,330
HANCOCK	933	5,440	2,320	8,693
HARRISON	595	3,739	1,661	5,995
HENDRICKS	1,425	10,820	3,626	15,871
HENRY	906	5,535	3,128	9,569
HOWARD	1,649	8,883	4,633	15,165
HUNTINGTON	701	3,482	1,926	6,109
JACKSON	741	5,145	2,150	8,036

JASPER	575	2,798	1,487	4,860
JAY	403	2,427	1,377	4,207
JEFFERSON	614	3,776	1,754	6,144
JENNINGS	550	3,699	1,319	5,568
JOHNSON	2,008	11,690	5,252	18,950
KNOX	1,064	4,438	2,603	8,105
KOSCIUSKO	1,427	7,214	3,088	11,729
LAGRANGE	677	3,282	1,477	5,436
LAKE	9,402	52,358	26,878	88,638
LAPORTE	1,873	10,655	6,266	18,794
LAWRENCE	716	5,537	3,115	9,368
MADISON	2,765	15,741	8,610	27,116
MARION	17,343	101,315	39,250	157,908
MARSHALL	922	4,246	2,221	7,389
MARTIN	143	1,434	703	2,280
MIAMI	662	3,437	1,883	5,982
MONROE	2,130	8,518	4,097	14,745
MONTGOMERY	928	3,955	2,124	7,007
MORGAN	1,357	7,804	3,073	12,234
NEWTON	251	1,691	740	2,682
NOBLE	837	4,353	2,076	7,266
OHIO	107	602	312	1,021
ORANGE	360	2,424	1,230	4,014
OWEN	617	2,751	1,291	4,659
PARKE	327	1,817	988	3,132
PERRY	261	1,753	1,126	3,140
PIKE	238	1,562	763	2,563
PORTER	2,549	12,798	6,143	21,490
POSEY	478	2,713	1,292	4,483
PULASKI	269	1,621	854	2,744
PUTNAM	587	4,517	1,809	6,913
RANDOLPH	534	3,055	1,927	5,516
RIPLEY	572	3,263	1,504	5,339
RUSH	354	1,869	1,014	3,237
SCOTT	434	3,236	1,304	4,974
SHELBY	725	5,683	2,137	8,545
SPENCER	400	1,970	1,020	3,390
ST. JOSEPH	5,191	24,710	14,720	44,621
STARKE	402	2,926	1,432	4,760
STEUBEN	444	3,036	1,356	4,836
SULLIVAN	345	2,636	1,487	4,468
SWITZERLAND	226	1,015	448	1,689
TIPPECANOE	3,162	11,820	5,091	20,073
TIPTON	137	1,698	1,089	2,924
UNION	151	918	409	1,478
VANDERBURGH	4,319	18,263	10,240	32,822

VERMILLION	280	1,795	1,202	3,277
VIGO	2,265	11,336	6,300	19,901
WABASH	634	3,824	1,848	6,306
WARREN	138	906	400	1,444
WARRICK	1,198	5,071	2,260	8,529
WASHINGTON	537	3,203	1,270	5,010
WAYNE	1,405	8,151	4,646	14,202
WELLS	499	2,130	1,385	4,014
WHITE	386	3,270	1,578	5,234
WHITLEY	509	2,736	1,493	4,738
TOTAL	117,507	635,620	301,630	1,054,757