

Directive No. 2008-44

May 9, 2008

To: All County Boards of Elections

Re: Verification of Handicapped Accessible Polling Locations.

This Directive is being issued as an update to previously issued directives to ensure Ohio's compliance with polling place accessibility requirements outlined in the Americans With Disabilities Act (ADA) and in R.C. 3501.29.

HANDICAPPED ACCESSIBLE POLLING LOCATIONS

The Americans With Disabilities Act (ADA) was enacted by Congress on July 26, 1990. This federal Act provides the standards to ensure that each polling location is handicapped accessible to those with the full range of disabilities. These ADA standards for polling location accessibility can be found online at: <http://www.usdoj.gov/crt/ada/votingck.htm>

According to R.C. 3501.29(B) the Board of Elections shall ensure that polling locations:

- are free from barriers that would interfere with a handicapped person entering or exiting;
- have sufficient handicapped parking spaces;
- have level entrances or non-skid ramps of not over eight percent gradient; and
- have doorways that are a minimum of 32 inches wide.

DETERMINING IF A POLLING LOCATION IS HANDICAPPED ACCESSIBLE

To determine if a polling location is in compliance with both the federal ADA standards and Ohio Revised Code standards, Boards of Elections should use a "Polling Place Accessibility Checklist" to evaluate *each* polling location in its county (if it has not already done so). For your convenience, a "Polling Place Accessibility Checklist" is included with this Directive and is available on the BOE Extranet web site. This checklist is for your Board's records and should be filed accordingly and available for public inspection.

Secretary of State Regional Liaisons and ADA Advisory Committee members are available to help Boards of Elections with assessments of their polling place accessibility.

If a county using the Polling Place Accessibility Checklist finds that a polling location is not compliant, further actions must be taken to ensure compliance. A Board of Elections may:

- With the knowledge and permission of the building owner, modify a polling location so that it is in compliance with the Ohio Revised Code and ADA standards.
- Find a new polling location that is in compliance with the Ohio Revised Code and ADA standards.

- Request an exemption from the Secretary of State from the Ohio Revised Code standards for handicapped accessibility provided in R.C. 3501.29(B)(2).

Please note that U.S. Health and Human Services (HHS) grant funds are available to county Boards of Elections from the Secretary of State's Office for the purpose of polling place compliance. More information on HHS grants may be obtained on the BOE Extranet web site.

VERIFICATION OF HANDICAPPED ACCESSIBLE POLLING LOCATIONS

To verify that each polling location is in compliance with ADA and Ohio Revised Code polling place accessibility standards, except those exempted pursuant to R.C. 3501.29 (B)(2), the Director of a Board of Elections must file a signed statement (Form #17) with the Secretary of State by certified mail no later than the 10th day before *each* election. For your convenience the prescribed form (Form #17) is included with this Directive.

NOTE: For polling locations previously exempted under R.C. 3501.29 (B)(2), the Director of a Board of Elections must include a copy of the "Statement of Exemption" when filing its Form #17 with the Secretary of State. No new polling locations are permitted to be exempted.

To verify that each polling location is in compliance with the handicapped accessible parking space requirements of R.C. 3501.29(B)(1)(b), and 4511.69 (E), the Director of a Board of Elections is required by R.C. 3501.29 (E) to file a signed statement (Form #16) with the Secretary of State by certified mail no later than the 10th day before *each* election. For your convenience the prescribed form (Form #16) is included with this Directive.

For your convenience, Forms #16 & 17 may be sent together by certified mail.

If you have any questions or need additional information please contact the Elections Attorney assigned to your board at (614) 466-2585.

Sincerely,

Jennifer Brunner