



# Jon Husted

## Ohio Secretary of State

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### **DIRECTIVE 2014-29**

September 19, 2014

To: All County Boards of Elections  
Directors, Deputy Directors, and Board Members

Re: Access to Polling Locations and Verification of Accessible Polling Locations

### **SUMMARY**

All county boards of elections are required by both state and federal law to provide polling locations that are accessible to people with disabilities. People with disabilities must have the opportunity to vote privately and independently just as any other voter in the state of Ohio. All county boards of elections must verify before each election that their polling locations are accessible including having the appropriate accessible parking for voters with disabilities.

This Directive replaces Directive 2012-09 and builds upon the accessibility requirements included as a component of [Directive 2014-16](#) (Election Administration Plans).

### **BACKGROUND**

The Americans with Disabilities Act (ADA) was enacted by Congress on July 26, 1990, creating standards for accessibility, including voting locations. The Help America Vote Act (2002) authorized federal appropriations to the states to ensure that “polling places, including the path of travel, entrances, exits, and voting areas of each polling facility, [are] 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 for other voters.”<sup>1</sup>

Additionally, R.C. 3501.29(B) requires county boards of elections to 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 that meet state law and ADA requirements; and
- Have doorways that are a minimum of 32 inches wide.

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<sup>1</sup> Help America Vote Act (2002), Sec. 261.

## **INSTRUCTIONS**

### **I. VOTING LOCATIONS TO BE ACCESSIBLE TO VOTERS WITH DISABILITIES**

To determine if a polling location is free of barriers to access by people with disabilities and in compliance with federal and state law, county boards of elections must always use the most recent version of the Secretary of State's [Polling Place Accessibility Checklist](#) and [Accessible Parking Guide](#) to evaluate every polling location in its county upon selection of that location as a polling place. Whenever a revised checklist is published by the Secretary of State's Office, all polling places should be re-evaluated using that checklist prior to the next regular general election.

All county boards of elections must maintain a file of its completed checklists and must develop an internal procedure for periodic review of all voting locations to confirm accessibility or the necessity for appropriate remediation strategies. All polling places should be reviewed for accessibility at least once every two calendar years if not more frequently.

In developing its file of completed checklists, boards of elections are encouraged to consider the [Presidential Commission on Elections Administration's](#) recommendation that local election officials also "maintain a diagram of every polling place ... to include at a minimum: room dimensions, location of power outlets, the proposed positioning of voting and voter processing equipment, the entry and exit routs, and signage required by the Americans with Disabilities Act."<sup>2</sup>

The Secretary of State's ADA Coordinator and Regional Liaisons are available to assist county boards of elections with developing polling place assessment strategies. The United States Election Assistance Commission has also published a [Quick Start Management Guide for Accessibility](#) that many boards of elections may find helpful.

If a county finds that a polling location is not accessible, action must be taken to ensure compliance. Such action may include:

- Notifying the owners of the facility of the problem(s) causing the inaccessibility of that facility in an effort to coordinate a permanent remediation of the accessibility challenge;
- Purchasing equipment to temporarily mitigate the inaccessibility of that facility for voters with disabilities and ensure that this equipment is in place and achieving its purpose on Election Day; or
- Finding another facility, as may be permitted by law<sup>3</sup>, that meets the requirements of accessibility for use as a voting location.

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<sup>2</sup> *The American Voting Experience: Report and Recommendations of the Presidential Commission on Election Administration* (January, 2014), Page 33.

<sup>3</sup> When a board of elections considers it necessary to relocate a polling place, it must notify by mail, prior to the next election, each of the registered voters in the precinct. R.C. 3501.21

Accessibility of a polling location to voters with disabilities applies equally to “offices and rooms” established pursuant to R.C. 3501.10, including the office of the Board of Elections.

## II. VERIFICATION OF ACCESSIBLE POLLING LOCATIONS

Before the day of an election, the Director of the board of elections of each county shall sign a statement verifying that each polling place that will be used in that county at that election meets the requirements of [R.C. 3501.29(B)(1)(b)].<sup>4</sup> Pursuant to this Directive, this statement ([SOS Form 16](#)) must be signed by the Director and the Deputy Director or, if a board of elections does not have a Deputy Director, by the Chairperson of the Board.

Additionally, the Director and Deputy Director (or Chairperson when the board of elections does not have a Deputy Director) of a Board of Elections must file a signed statement ([SOS Form 17](#)) before each election to verify that each polling location is in compliance with federal and state laws governing general polling place accessibility.

If you have any questions concerning this Directive or need additional information please contact the Secretary of State’s ADA Coordinator, Brett Harbage, or the Secretary of State’s elections counsel assigned to your county, at (614) 466-2585.

Sincerely,



Jon Husted

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<sup>4</sup> R.C. 3501.29(E).