



Jon Husted Ohio Secretary of State

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DIRECTIVE 2012-09

January 31, 2012

To: All County Boards of Elections
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 rescinds and replaces Directive 2008-44.

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, 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.”¹

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 spaces²;
- have level entrances or non-skid ramps that meet state law³ and ADA requirements; and
- have doorways that are a minimum of 32 inches wide.

INSTRUCTION

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 use the Secretary of State “Polling Place Accessibility Checklist” to evaluate every polling location *in its*

¹ Help America Vote Act (2002), Sec. 261

² R.C. 4511.69(E) and 28 C.F.R. Part 36, Appendix A

³ R.C. 3501.29(B)(1)(c) requires ramps to be no steeper than 1:12 or 8.33%.

county upon selection of that location as a polling place.⁴ All county boards of elections must maintain a file of its completed checklists and should develop an internal procedure for periodic review of voting locations to determine accessibility. If a board of elections does not have a checklist on file, it should conduct a review of all voting locations prior to August 1, 2012. For your convenience, a “Polling Place Accessibility Checklist” is included with this Directive.

The Secretary of State’s ADA Coordinator and Regional Liaisons are available to help county boards of elections with assessments of their polling place to identify barriers to access by people with disabilities.

If a county finds that a polling location is not accessible upon review, action must be taken to ensure compliance. A county board of elections may:

- find another facility that meets the requirements of accessibility for use as a voting location;
- apply for grant funding through the Secretary of State to purchase equipment to temporarily mitigate the inaccessibility for voters with disabilities and ensure that this equipment is in place and achieving its purpose on Election Day;
- apply for grant funding through the Secretary of State to for permanent improvements to that facility, so long as the facility is entered into a long-term contract with the board of elections to be used as a voting location.

Accessibility of a polling location to voters with disabilities applies equally to “offices and rooms” established pursuant to R.C. 3501.10.

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)].”⁵ Pursuant to this Directive, this statement (Form 16) must also be signed by the Deputy Director or the Chairperson of the Board. A copy of Form 16 is attached for your convenience.

Additionally, the Director and Deputy Director (or Chairperson) of a Board of Elections must file a signed statement (Form 17) before each election to verify that each polling location is in compliance with federal and state laws governing general polling place accessibility. A copy of Form 17 is attached for your convenience.

⁴ The Secretary of State’s “Polling Place Accessibility Checklist” is based on the “ADA Checklist for Polling Places” produced by the Department of Justice and available for review at <http://www.ada.gov/votingck.htm>. In addition to being a checklist, the DOJ document provides a number of diagrams and illustrations that will help you better understand the requirements of the ADA relative to voting locations. You are strongly encouraged to review the DOJ document.

⁵ R.C. 3501.29(E).

If you have any questions or need additional information please contact the Secretary of State's ADA Coordinator, Brett Harbage at (614) 387-6039 or at bharbage@ohiosecretaryofstate.gov or the Secretary of State's elections attorney assigned to your county.

Sincerely,

A handwritten signature in black ink that reads "Jon Husted". The signature is written in a cursive, flowing style with a large initial "J".

Jon Husted

Attachments: Form 16
Form 17
Secretary of State "Polling Place Accessibility Checklist"