

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

LEAGUE OF UNITED LATIN AMERICAN
CITIZENS, KANSAS; and ALEJANDRO
RANGEL-LOPEZ,

Plaintiffs,

vs.

DEBORAH COX, FORD COUNTY CLERK;
in her official capacity,

Defendant.

Case No. 2:18-cv-02572-DDC-TJJ

**DEFENDANT’S RESPONSE TO PLAINTIFFS’
MOTION FOR A TEMPORARY RESTRAINING ORDER**

Defendant Deborah Cox, in her official capacity as the duly elected Clerk of Ford County, Kansas, respectfully submits the following Response to Plaintiffs’ Motion for a Temporary Restraining Order and memorandum in support (Doc. 4 and 5).

I. - Introduction

Despite the fact that Dodge City, Kansas has maintained the same election-day framework of a single polling place for all voters for more than *two decades*, Plaintiffs have filed a federal lawsuit demanding – *one week* before the upcoming general election – that this Court order the establishment of an additional polling location in the city. The current site, Plaintiffs contend, is not as convenient as the location used in prior elections and thus would have a disparate impact on the city’s Hispanic community.

The factual predicate for Plaintiffs’ last-minute suit is a wildly speculative theory that the temporary relocation of a polling place approximately 3.7 miles from its prior site will result in unspecified numbers of voters being unable to access the new venue due to poverty, lack of transportation, or other competing life or work obligations.

These claims are groundless and Plaintiffs' motion for a temporary restraining order is filled with patronizing arguments that are offensive to the residents of Dodge City.

The reality is that the drive from the previously used location - the Dodge City Civic Center - to the new/temporary location - the Western State Bank Expo Center - is no more than 5-10 minutes. For voters without access to a vehicle of their own who rely on public transportation, free door-to-door bus service is being provided that will literally pick up voters at their own homes and take them to the Expo Center on Election Day. In fact, the city has now expanded this free public transportation so that it will also take such voters - door-to-door from their homes and back - to the Ford County Government Center during the early in-person voting period (which runs through the day before the November 6 general election). This is in addition to all of the partisan and commercial organizing of free transportation to the polls. In a city of roughly only 7 miles by 10 miles, one of the easiest places to access in Kansas on Election Day may be the Expo Center. As for voters who do not like either of these easily accessible options, they can always vote by mail.

Plaintiffs have attempted here to elevate typical life vagaries and inconveniences to constitutional magnitude. Neither case law nor common sense support their claims. The Supreme Court has made it abundantly clear that such minimal burdens are simply not so serious or frequent as to raise any questions about their constitutionality. Plaintiffs' First and Fourteenth Amendments thus fall easily.

Plaintiffs' claim under Section 2 of the Voting Rights Act has no greater merit. Even assuming the temporary relocation of the Dodge City polling place to the Expo

Center has a disparate impact on eligible Hispanic voters – a contention that Defendant strongly disputes – the law is clear that mere disparate inconveniences do not violate the statute. As the Fourth Circuit has noted,

Every decision that a State makes in regulating its elections will, inevitably, result in somewhat more inconvenience for some voters than for others. For example, every polling place will, by necessity, be located closer to some voters than to others. To interpret [Section] as prohibiting any regulation that imposes a disparate inconvenience would mean that every polling place would need to be precisely located such that no group had to spend more time traveling to vote than did any other. . . . Yet, courts have also correctly rejected that hypothetical.

Lee v. Virginia State Bd. of Elections, 843 F.3d 592, 601 (4th Cir. 2016)

In short, Plaintiffs have come nowhere close to showing a likelihood of success on the merits of their claims. To the contrary, their claims appear to be comprised of speculation and bluster, and they crumble at the touch.

But even if this Court were to find that Plaintiffs have shown a likelihood of success, relief at this incredibly late stage – the virtual eve of Election Day – would be administratively impossible to effectuate, introduce hopeless confusion into the electorate, and likely disenfranchise many of the same voters whose rights Plaintiffs claim to be protecting. Plaintiffs’ lawsuit is a recipe for disaster. For all these reasons, Defendant respectfully requests that the Court deny Plaintiffs’ motion for a TRO.

II. Background and Facts

1. Defendant Deborah Cox became the County Clerk in 2016. Before that, starting in 2012, she worked as a Deputy Election Officer in the County Clerk’s Office. (Exhibit 1, ¶¶ 1-2).

2. Since at least 1998, Dodge City has had a single polling place. For the elections since then, the polling place has been the Dodge City Civic Center, which is now owned by the Dodge City Unified School District, USD 443. (Exhibit 1, ¶¶ 3-4).

3. Ms. Cox was notified on August 29, 2018 by USD 443 that there would be construction at the Civic Center starting in October 2018. She was provided with a map that showed where construction was expected. After reviewing it she believed the construction would begin with the parking lot being blocked off, hampering the main parking area for the Civic Center, and blocking off some of the handicap parking spots. Ms. Cox believed this could cause safety issues as well as congestion for parking and access to the building, particularly in the event of inclement weather. (Exhibit 1, ¶ 5 and its Attachment A).

4. Kansas Law requires at least 30 days' advance notice of any change in polling location. K.S.A 25-2701(d)(1). Although there was no way for Ms. Cox to be sure about whether the Civic Center would actually be under construction on Election Day, November 6, she had to make the best decision she could based on the information she had. As a result, she immediately began looking for an alternative, temporary polling site for the November 2018 general election. (Exhibit 1, ¶¶ 7-8).

5. By September 11, 2018 Ms. Cox had decided that the best location would be the Western State Bank Expo Center. It is owned and maintained by Ford County (including snow and ice removal if needed), meets all Americans with Disabilities Act ("ADA") requirements for a polling place, is a secure building with plenty of room for people to stand inside in case of inclement weather, provides plenty of parking near the

building (important if there is inclement weather on Election Day), is only a half mile from the city limits, has no competing events or crowds scheduled for Election Day, and is used for public events of all types on a regular basis. She believed the residents of Dodge City, including those in the Hispanic community, are very familiar with the Expo Center and its location. She has been advised that it is frequently used by those in the Hispanic community for events. (Exhibit 1, ¶¶ 8-9).

6. She considered schools, but decided that heavy vehicle traffic around school start and ending times and lack of sufficient regular and handicap parking could pose challenges for such a location. She knew schools are currently being used in Kansas far less often as polling places than in years past. (Exhibit 1, ¶ 10).

7. On September 28, 2018, Ms. Cox mailed notices of the polling location change to registered voters at the last address each had provided as part of their voter registration process. The notice, Attachment B to Exhibit 1, explained the location change for the November 6 election, outlined advance voting options and mail-in ballot options, explained that the change to the Expo Center was only because of the current construction at the Civic Center, encouraged people to vote, and noted the polling times at the Expo Center for November 6, 2018. (Exhibit 1, ¶ 11) . The letter also noted that the Expo Center would be used only for the November 6, 2018, general election, and that the Civic Center would remain the polling site for future elections.

8. After Ms. Cox notified voters of the polling place change on September 28, she discovered that individuals who registered to vote from approximately that date through the registration deadline of October 16, received their Notice of Disposition

(i.e., voter registration postcard) indicating that their polling place was the Civic Center. There were 294 voters in Dodge City who received the notification through the postcard of their normal polling place. As of the date of this filing, all of these voters have been mailed correspondence pointing out the temporary relocation of their polling place to the Expo Center. (Exhibit 1, ¶ 13).

9. Some of the written notices were returned as undeliverable. In most, if not all of those cases, it resulted from voters not notifying the Clerk's Office following a change in residence, as voters are required to do by K.S.A. 25-2316c(b). The Clerk's office used the voters' last known addresses. (Exhibit 1, ¶ 12).

10. Dodge City again has cooperated with Ford County and is doing what it has done in past elections by offering free, door-to-door public transportation to voters that will take them directly to the Expo Center on Election Day. Beginning about October 4, 2018, the city began posting signs (in both English and Spanish) advertising the free rides and also posted the notice of the free ride availability on the city's website (Exhibit 1, ¶ 14 and its Attachments C, D, and E).

11. The city has also posted on its website as of October 23, and has released a press release since then, again highlighting in English and Spanish the free public transportation available to anyone who calls to schedule it, as well as the advance and mail-in voting options available during weekdays, weekday evenings, and on the Saturday before the election. (Exhibit 1, ¶ 15 and its Attachment F).

12. Contrary to the allegations in the amended complaint about public transportation taking at least 60 minutes in each direction to get a voter from a centrally

located part of the city to the Expo Center and then forcing the voter to walk 1.3 miles from the bus stop to the Expo Center, the city's free transportation that day is directly to the door of the Expo Center, not a distant bus stop. This was again publicized on October 29 by the Mayor of Dodge City, along with word that the city is also taking any voter who requests it door to door to the advance voting location (i.e., the city's Government Center) before the election. (Exhibit 1, ¶ 17 and Attachment G).

13. Ms. Cox has already or is in the process of further publicizing the polling place change, the free public transportation, and advance and mail-in voting options in such media/social media locations as: the Ford County website, The Dodge City Globe newspaper; the Dodge City La Estrella newspaper; and radio stations 92.9/101.5 La Mexicana, 93.9 The Buzzard, 96.3 The Marshall, 95.5/1470 Super Hits, Q97 and Z98, and 1370 KGNO. The Dodge City Chat Facebook page has also discussed these issues extensively. (Exhibit 1, ¶ 16).

14. Advance voting times have been well publicized in avenues such as those mentioned above. Voters have been advised that advance voting is available not only by mail, but also early in person at the County Clerk's office at the Ford County Government Center, on October 18th and 19th from 9:00 am - 4:30 pm; October 22-26 from 9:00 am - 4:30 pm; October 29 from 9:00 am - 4:30 pm; October 30th from 9:00 am - 7:00 pm; October 31st from 9:00 am to 4:30 pm; November 1st from 9:00 am - 7:00 pm; November 2 from 9:00 am to 4:30 pm; Saturday, November 3rd from 10:00 am - 2:00 pm; and November 5th from 9:00 am - noon. In addition, Dodge City has also offered free public transportation door-to-door for any voter wanting to ride to the Ford

County Government Center to participate in advance voting. Mail in ballots can be obtained on or before October 30, 2018. (Exhibit 1, ¶¶ 18-19).

15. Many steps would have to be taken before Tuesday if another polling place were to be opened. It is not possible for these to be completed before Election Day. (Exhibit 1, ¶ 22).

16. In addition to these challenges to adding a new location at such a late time, the County Clerk's office is not large. Ms. Cox has only one deputy, a worker who has only been on the job since September 2018. She is being trained and this is her first election. Ms. Cox is responsible this week for the training of poll workers, continuing to oversee advance voting (which has been brisk) and handling the many other frenzied requirements of a county clerk the week before Election Day. (Exhibit 1, ¶¶ 23-24).

17. Ms. Cox has lived in Dodge City all of her life. The trains are a daily part of life, and block different parts of town at various times. People who live on the south side of the tracks often cross them to the north, and vice versa. She personally worked on the south side of Dodge City for many years and routinely crossed the tracks on almost a daily basis without problems. In addition, in the event a train would happen to block a road for a longer than usual amount of time, there are alternate under/over passes that can be used to go from north to south and vice versa. (Exhibit 1, ¶ 20).

18. Ms. Cox's plan is to have a second polling location for Dodge City no later than the next large-volume election in 2020, if not by 2019. (Exhibit 1, ¶ 21).

III. - Legal Standard Governing Requests for a Preliminary Injunction

“A preliminary injunction is an extraordinary remedy that may only be awarded upon a clear showing that the movant is entitled to such relief.” *N.M. Dep’t of Game & Fish v. U.S. Dep’t of the Interior*, 854 F.3d 1236, 1245-46 (10th Cir. 2017) (quoting *Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 22 (2008)) (internal quotation marks omitted). This well-established standard requires that the movant meet four separate factors: (1) he is substantially likely to succeed on the merits; (2) he will suffer irreparable injury if the injunction is denied; (3) his threatened injury outweighs the injury that the opposing party will suffer under the injunction; and (4) the injunction will not be adverse to the public interest. *Fish v. Kobach*, 840 F.3d 710, 723 (10th Cir. 2016). Because this remedy is so extraordinary, it will only be awarded if the movant’s right to relief is clear and unequivocal. *Diné Citizens Against Ruining Our Env’t v. Jewell*, 839 F.3d 1276, 1281 (10th Cir. 2016).

Furthermore, certain preliminary injunctions are disfavored and thus require an even stronger showing by the movant. *Fish*, 840 F.3d at 723. These include (1) preliminary injunctions that alter the status quo; (2) mandatory preliminary injunctions; and (3) preliminary injunctions that afford the movant all the relief that it could recover at the conclusion of a full trial on the merits. *Id.* at 723-24. In light of Plaintiffs’ requested relief here, this case falls squarely into all three of these categories, thereby heightening their burden. Any injunction would certainly alter the status quo given that the polling location for next week’s election in Dodge City has been identified and communicated (repeatedly and in many different forms) to all voters since late September 2018. The relief sought (establishment of an additional polling place) is also

a mandatory injunction. *See O Centro Espirita Beneficente Uniao Do Vegetal v. Ashcroft*, 389 F.3d 973, 979 (10th Cir. 2004) (en banc) (mandatory injunctions “affirmatively require the nonmovant to act in a particular way, and as a result they place the issuing court in a position where it may have to provide ongoing supervision to assure the nonmovant is abiding by the injunction.”) And the injunction Plaintiffs seek would award them all the relief they have requested. Accordingly, Plaintiffs must make a strong showing both with regard to the likelihood of success on the merits and with regard to the balance of harms. *O Centro Espirita Beneficente Uniao Do Vegetal*, 389 F.3d at 975-76.

IV. - Argument

A. - Plaintiffs are not substantially likely to prevail on the merits

Plaintiffs predicate their pursuit of relief on two discrete federal causes of action: (i) an alleged infringement on the right to vote of the Hispanic population in violation of the First and Fourteenth Amendments; and (ii) a purported unlawful voting process that disproportionately affects the Hispanic community in contravention of Section 2 of the Voting Rights Act. Both claims are devoid of merit.

1. - First/Fourteenth Amendment Claim

Our constitutional framework confers broad power on the States to “prescribe the ‘Times, Places and Manner of holding Elections for Senators and Representatives,’ which power is matched by state control over the election process for state offices.” *Clingman v. Beaver*, 544 U.S. 581, 586 (2005) (quoting both U.S. Const., art. 1, § 4, cl. 1; and *Tashjian v. Republican Party of Conn.*, 479 U.S. 208, 217 (1986)). When a state invokes this authority and carries out its obligation to regulate elections to ensure that they are

fair and orderly, the resulting restrictions will “inevitably affect – at least to some degree – the individual’s right to vote and his right to associate with others for political ends.” *Anderson v. Celebrezze*, 460 U.S. 780, 788 (1983). These burdens “must necessarily accommodate a state’s legitimate interest in providing order, stability, and legitimacy to the electoral process.” *Utah Republican Party v. Cox*, 892 F.3d 1066, 1077 (10th Cir. 2018). That is why a state’s “important regulatory interests are generally sufficient to justify reasonable, non-discriminatory restrictions” on election procedures. *Anderson*, 460 U.S. at 789.

There is “no ‘litmus-paper’ test that will separate valid from invalid restrictions.” *Id.* The Court instead applies a “more flexible standard.” *Burdick v. Takushi*, 504 U.S. 428, 434 (1992). Under this flexible approach, referred to as the *Anderson/Burdick* balancing test, a “court considering a challenge to a state election law must weigh ‘the character and magnitude of the asserted injury to the rights protected by the First and Fourteenth Amendments that the plaintiff seeks to vindicate’ against the ‘precise interests put forward by the State as justifications for the burden imposed by its rule,’ taking into consideration ‘the extent to which those interests make it necessary to burden the plaintiff’s rights.’” *Cox*, 892 F.3d at 1077 (quoting *Burdick*, 504 U.S. at 434)).

Although flexible, this balancing test does contain certain core guidelines. If a state imposes “severe restrictions on a plaintiff’s constitutional rights (here, the right to vote), its regulations survive only if ‘narrowly drawn to advance a state interest of compelling importance.’” *Burdick*, 504 U.S. 434 (emphasis added). But “minimally burdensome and nondiscriminatory regulations are subject to a less-searching

examination closer to rational basis and the State's important regulatory interests are generally sufficient to justify the restrictions." *Ohio Democratic Party v. Husted*, 834 F.3d 620, 627 (6th Cir. 2016) (citing *Burdick*, 504 U.S. at 434). "Regulations falling somewhere in between – i.e., regulations that impose a more-than-minimal but less-than-severe burden – require a 'flexible' analysis, weighing the burden on the plaintiffs against the state's asserted interest and chosen means of pursuing it." *Id.* (quotation omitted). Lurking in the background at all times, however, is the fundamental principle that "states have wide latitude in determining how to manage their election procedures." *ACLU v. Santillanes*, 546 F.3d 1313, 1321 (10th Cir. 2008).

a. – Expo Center Polling Location Does Not Impose Substantial Burden on Voters

The first element of this test, the magnitude of the burden imposed on voters, "is a factual question on which the plaintiff bears the burden of proof." *Democratic Nat'l Comm. v. Reagan*, 904 F.3d 686, 703 (9th Cir. 2018) ("DNC"). Plaintiffs' brief is replete with highly generalized statistics (and unsubstantiated conclusions drawn therefrom) about the poverty rate in Dodge City (slightly above the national average), vehicle ownership percentages (roughly in line with the rest of Kansas), high rate of carpooling (which has historically been characterized as a *good thing* and an environmentally conscious practice), supposed concentration of the workforce in low-wage service and manufacturing industries (unsupported by any evidence and likely contrary to fact inasmuch many of the businesses that Plaintiffs malign pay quite well on a relative basis), and the "*potential*" need for public transportation by the city's non-disabled and non-elderly population. Br. at 4-5. None of these statistics is in any way probative of

Plaintiffs' argument that the use of the Expo Center as the city's temporary polling place for the November 2018 general election is unconstitutional.

Plaintiffs maintain that the greater distance of the new polling location from the previously-used site will force voters to travel, on average, twice as far to vote. It is not at all clear how Plaintiffs derive this figure. In fact, the all-important "distance between Top 5 Major Employers and Civic and Expo Centers" exhibit that Plaintiffs trumpet in their brief suggests that, with only one exception, the major employers in Dodge City are either closer to, or only slightly further away from (within 0.3 to 2.7 miles), the Expo Center than they were to the Civic Center. Br., Exhibit B. Ultimately, the point is irrelevant. One person's convenience is another's inconvenience. Minimal burdens that might flow from generally applicable, non-discriminatory voting regulations simply do not offend the Constitution. *Burdick*, 504 U.S. at 434; *Ohio Democratic Party*, 834 F.3d at 631. The intrusion on state and local sovereignty were the law otherwise would be extraordinary.

Plaintiffs' contention (Br. 11-12) that *any* inconvenience to a voter must be justified by a substantial state interest has the law exactly backwards. Indeed, the Supreme Court rejected this position categorically in *Crawford v. Marion Cnty. Election Bd.*, 553 U.S. 181 (2008). Evaluating a constitutional attack on Indiana's photo ID requirement, the Court there held that the burden on voters of going to the Bureau of Motor Vehicles to obtain an ID in order to subsequently be able to vote at a polling place was no more burdensome than the usual challenges of voting. *Id.* at 198-99. As the Court pointed out:

The “inconvenience of making a trip to the BMV, gathering the required documents, and posing for a photograph surely does not . . . even represent a significant increase over the usual burdens of voting,” *even though* “a somewhat heavier burden may be placed on a limited number of persons” including the elderly, the economically disadvantaged, and the homeless. *Id.*

In fact, the Court also made clear that, in the context of *Anderson/Burdick* analyses of voting laws, it is improper even to consider whether a neutrally applicable restriction has a heavier impact on certain subgroups in the community in the absence of *quantifiable* evidence as to how that subgroup’s characteristics makes it more likely they will be disenfranchised as a result of those provisions. *Id.* at 199, 200-03; *accord DNC*, 904 F.3d at 703; *Ohio Democratic Party*, 834 F.3d at 630-31.

The Sixth, Seventh, and Ninth Circuits have recently turned back highly similar constitutional challenges on this very ground as well. *See DNC*, 904 F.3d at 702-710 (requirement that voters cast their ballots in their assigned precinct, and corresponding criminal prohibition on third-parties from collecting early ballots from voters, does not contravene the Constitution despite purported burden on Native Americans who lack home-mail service); *Ohio Democratic Party*, 834 F.3d at 626-35 (modification to Ohio’s early voting rules was not constitutionally infirm, despite African-American groups’ greater reliance on those measures); *Frank v. Walker*, 768 F.3d 744, 745-751 (7th Cir. 2014) (voter ID requirement is constitutional notwithstanding that fewer minorities possess such an ID).¹

Plaintiffs suggest that Dodge City’s relocation of the polling place for the

¹ Plaintiffs’ citation (Br. 12) to *Ohio State Conference of the NAACP v. Husted*, 768 F.3d 524 (6th Cir. 2014), for a contrary position is ironic given that the Supreme Court promptly stayed that decision upon the State’s application, 135 S. Ct. 42 (2014), and the Sixth Circuit later vacated the ruling as moot. 2014 WL 10384647 (6th Cir. Oct. 1, 2014).

November 2018 general election to a location a mere 3.7 miles from the site previously used “makes it effectively impossible for a person to vote on Election Day if they are scheduled to work on [that day].” Br. 12. They claim that voters in low-wage industries and other low-income voters will be particularly adversely impacted. The condescension underlying this point is staggering. The polls on Election Day will be open for 12 hours – from 7:00 AM to 7:00 PM. The city has made free bus service available on Election Day that will pick voters up from their home or workplace and drive them to the polling place and back. If, for some reason, voters still choose not to drive, carpool, or take the free public transportation to the Expo Center, then they can vote by mail or early in-person on any weekday from 9:00 AM to 4:30 PM until November 5 (and from 10:00 AM to 2:00 PM on Saturday, November 3), at the Ford County Government Center, which is situated right in the middle of the city and one block from the main transportation hub.² Defendant is even making available free, door-to-door bus service available to the Government Center for early in-person voting. Yet Plaintiffs seem to be projecting a concept that every low income citizen is simply too helpless to cast a ballot in this election. It is insulting to the residents of Dodge City.

Furthermore, the legal jurisprudence on this issue undermines Plaintiffs’ case. As the Supreme Court noted in upholding Indiana’s voter ID requirement, “burdens arising from life’s vagaries are neither so serious nor so frequent as to raise any questions about the constitutionality of [the challenged law].” *Crawford*, 553 U.S. at 197;

² Defendant would note as an aside that, only through significant contortions of the law could the lack of public transportation to polling locations in rural communities like Dodge City, Kansas be considered a violation of voters’ First and Fourteenth Amendment rights. If such a theory is embraced, federal courts will soon be overwhelmed with these type of claims.

accord DNC, 904 F.3d at 705-06; *Ohio Democratic Party*, 834 F.3d at 630-31; *Frank*, 768 F.3d at 749. Nearly everyone has busy lives and competing commitments. Juggling those obligations can be a difficult task at times for anyone. The need to do so, however, does not have constitutional ramifications.

Ironically, the named Plaintiff in this lawsuit, Mr. Rangel-Lopez, acknowledges in his affidavit that he will have no difficulty voting on Election Day because, like countless other similarly situated Americans, he plans to take time off from his after-school job to go vote. *Br.*, Exhibit D at ¶ 9. That is hardly an unconstitutional burden. Mr. Rangel-Lopez also concedes that he confronts no real impediments to voting early via mail or in person at the county election office. *Id.* at ¶ 10. But he claims he does not *want* to do so because he is afraid his vote might not be counted (a point so absurd that it does not merit a response) and he would lose his sense of community from voting on Election Day. *Id.* With all due respect, these are just the type of “life vagaries” that the Supreme Court has clearly held do not amount to a legally cognizable burden under the Constitution. *Cf. Frank*, 768 F.3d at 749 (“If people who already have copies of their birth certificates do not *choose* to get free photo IDs, it is not possible to describe the need for a birth certificate as a legal obstacle that disenfranchise them.”); *DNC*, 904 F.3d at 706 (“idiosyncratic circumstances” of certain individuals are not evidence of severe burden on an identifiable subgroup of voters).

The Sixth Circuit perhaps said it best in rejecting a similar argument that *voter preferences* could support a challenge to an otherwise non-discriminatory voting law (in that case, a constitutional attack on restrictive changes to Ohio’s early voting rules). The

court noted:

The district court placed inordinate weight on its finding that some African-American voters *may prefer* voting on Sundays, or avoiding the mail, or saving on postage, or voting after a nine-to-five work day. To the extent [the Ohio law] may be viewed as impacting such preferences, its “burden” clearly results more from a matter of choice rather than a state-created obstacle. The Equal Protection Clause, as applied under the *Anderson-Burdick* framework, simply cannot be reasonably understood as demanding recognition and accommodation of such variable personal preferences, even if the preferences are shown to be shared in higher numbers by members of certain identifiable segments of the voting public. *Ohio Democratic Party*, 834 F.3d at 630 (citing *Frank*, 768 F.3d at 749).

Recognizing the legal hurdles they face in the wake of the case law set forth above, Plaintiffs cling to several easily distinguishable cases. The first, *Veasey v. Abbott*, 830 F.3d 216 (5th Cir. 2016) (en banc), struck down a Texas voter ID statute under Section 2 of the Voting Rights Act. According to the court, however, the state *failed to contest any evidence* of the claimed burden of the voter ID requirement other than to suggest that individuals could vote by mail. *Id.* at 255. Included in that evidence were multiple individuals for whom it was apparently impossible to obtain the requisite ID, and yet who were turned away when they attempted to vote and never offered a provisional ballot in an attempt to resolve the issue. *Id.* at 254. In short, that case is nothing like what is at issue here.

Plaintiffs additionally rely on two district court opinions – *Common Cause Ind. v. Marion Cnty. Election Bd.*, 311 F. Supp.3d 949 (S.D. Ind. 2018), and *One Wis. Inst., Inc. v. Thomsen*, 198 F. Supp.3d 896 (W.D. Wis. 2016) – both of which are now on appeal before the Seventh Circuit and both of which are of dubious precedential value.³ In *Common*

³ The *Common Cause Indiana* appeal is No. 18-2735, and the *One Wisconsin Institute* appeal is No. 16-3083.

Cause Indiana, the plaintiffs challenged the county election board's decision to close various early in-person absentee voting centers that had been used almost a decade before. 311 F. Supp.3d at 954-56. For some inexplicable reason – political or otherwise – the board *expressly waived* its right to contest whether the plaintiffs had established a constitutional violation. *Id.* at 961. Although noting the absence of quantifiable evidence of a burden on voters from the closure of these centers (as *Crawford* requires), the district court nevertheless found that the board's actions were motivated by partisanship and thus ordered that the satellite early voting centers be reopened. *Id.* at 974-76. Even then, though, the court refused to order that the centers be reopened in time for the election that was scheduled for *ninety days* hence because such a move would lead to “last-minute upheaval and confusion in the administration” of that election. *Id.* at 976.

Meanwhile, the court in *One Wisconsin Institute* struck down a state statute in large part that limited municipalities to a single location for in-person voting. 311 F. Supp.3d at 931-35. The court seemed to pay little more than lip service to the need for deference to state officials in the context of election administration, and largely ignored the teachings of the Seventh Circuit's *Frank* opinion. It characterized the legislature's justifications for the bill as entirely “illusory.” *Id.* at 934-35. The holding came as little surprise given the judge's criticism at the outset of his opinion of the Supreme Court's *Crawford* decision and the Seventh Circuit's subsequent *Frank* ruling. *Id.* at 903. In any event, the case is of no utility to Plaintiffs in the instant action given that the district court there expressly declined to order any relief for the primary election that was

approximately one week away. *Id.* at 905.

Legally speaking, the bottom line is that if the Supreme Court has held that the inconvenience of going to the county registrar's office to obtain an ID card does not impose a substantial burden, then surely the burden of *potentially* having to endure a passing train over the lunch hour, driving 5-10 extra minutes to a new polling location, or calling the transportation department and requesting a pick-up by the free door-to-door bus service the city has arranged to take voters to and from the polling place on Election Day, is mightily minimal.

Plaintiffs have grossly distorted reality by painting Dodge City as a bleak community of uneducated and helpless residents. Nothing could be further from the truth. Whatever minor inconveniences may exist with the Expo Center as a polling location, both Defendant and Dodge City have gone to great lengths to more than accommodate those potentially impacted thereby. No one will be prevented from voting, or face significantly greater obstacles than they might have encountered before, during this election cycle. This Court should see right through the Plaintiffs' ruse.

b. – Defendant's Rationale for Relocating Polling Location Warrants Judicial Deference

Defendant selected the Expo Center as the polling place for the November 2018 general election because she was advised in late August by USD 443 (the Dodge City School District) that the previously used site – the Civic Center – would be undergoing construction starting in October. Ms. Cox was given a map detailing the geographical scope of the construction. *See* Exhibit 1, ¶ 5 and its Attachment A. As Ford County's duly elected clerk and chief election officer, she had to use her best judgment at that

point as to whether the Civic Center would still be safe and accessible for all voters – in potentially inclement weather – on Election Day. She concluded that it would not be.

This decision is entitled to respect and should not be second-guessed by this Court. Construction schedules are inherently fluid but the only thing Defendant had to go by in late August was the stated time frame and map provided to her by Mr. Hammond. Moreover, if there were to be snow or ice on the ground on November 6, the likelihood of injuries at that location could be significant given the much greater distance voters may have to walk from their parking spots due to the construction and associated fencing. As it is, the Civic Center map provided by USD 443 shows that it technically does not even meet the ADA voting accessibility guidelines.⁴ The guidelines require at least four ADA accessible parking stalls for every 100 standard stalls, and the Civic Center – once construction commences – will only have (at most) 18 for the 519 total stalls. *See id.*

Defendant also chose the Expo Center because, although its location is not ideal for some voters, it is a secure, county-owned facility (thereby requiring no negotiations with interested parties) that meets all of the ADA accessibility requirements. It is maintained by the county so any snow or ice on Election Day will be promptly removed without concern. The venue is also less than a mile from the Dodge City limits and is

⁴ Plaintiffs attach great significance to the fact that other events are still planned at the Civic Center during the week of Election Day and in the weeks thereafter. Br. 15. As an initial matter, upon information and belief, those events were scheduled well in advance of the recently announced construction timetable. More importantly, though, those events are of a significantly different nature than a polling place and will have far less need for the exclusivity, accessibility, parking, and safety guarantees that will be critical on November 6. In addition, those events – if they are still to occur – will attract exponentially fewer attendees than the voters heading to the polls on Election Day.

extensively used by the public – including, quite regularly, by the Hispanic community for birthdays, weddings, and other events – and thus residents are very familiar with it. In contrast to many other potential facilities, the Expo Center has abundant parking – both accessible and standard – that is very close to the building. Meanwhile, there are no competing events there on Election Day that might impede the heavy flow of voters going in and out of the building.

Although Plaintiffs insist, with bellicose rhetoric, that Defendant could and should have chosen a more convenient location than the Expo Center,⁵ the Supreme Court has expressly declined to require that restrictions imposing minimal burdens on voters' rights must be narrowly tailored. *Burdick*, 504 U.S. at 433; *DNC*, 904 F.3d at 709. Plaintiffs' assertion that there may be less restrictive measures or options that are more convenient or efficient is of little or no relevance as a matter of constitutional law. *DNC*, 904 F.3d at 709 (citations omitted).

2. – *Section 2 of the Voting Rights Act Claim*

Plaintiffs further claim that the use of the Expo Center as a polling place in the upcoming election contravenes Section 2 of the Voting Rights Act, 52 U.S.C. § 10301, by disproportionately harming Hispanic voters, who now must travel further in order to vote as compared to their white counterparts. Compl., ¶ 31. Plaintiffs argue that this disproportionate harm is attributable to the fact that Hispanics (a) are less likely to have

⁵ Plaintiffs argue that Defendant should have chosen one of the schools in Dodge City as an alternative rather than the Expo Center. But schools are hardly ideal for a polling place given (i) the heavy traffic and limited parking during parts of the day when children are coming and going, (ii) the potential for voters to be wandering throughout the school building, thereby disrupting students and teachers, and (iii) the absence of accessible parking, notwithstanding Plaintiffs' unsupported contention to the contrary. Indeed, schools in Kansas increasingly decline to serve as polling places.

access to a vehicle, (b) have lower incomes, and (c) work in industries with less flexible schedules. *Id.* at ¶ 32. This claim is likewise bereft of any merit.

As amended, Section 2 of the Voting Rights Act provides as follows:

- (a) No voting qualification or prerequisite to voting or standard, practice, or procedure shall be imposed or applied by any State or political subdivision in a manner which results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color, or in contravention of the guarantees set forth in section 10303(f)(2) of this title, as provided in subsection (b).
- (b) A violation of subsection (a) is established if, based on the totality of circumstances, it is shown that the political processes leading to nomination or election in the State or political subdivision are not equally open to participation by members of a class of citizens protected by subsection (a) in that its members have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice. The extent to which members of a protected class have been elected to office in the State or political subdivision is one circumstance which may be considered: *Provided*, That nothing in this section establishes a right to have members of a protected class elected in numbers equal to their proportion in the population

Although there is an abundance of case law interpreting Section 2 in the context of vote dilution cases, epitomized by the Supreme Court's decision in *Thornburg v. Gingles*, 478 U.S. 30 (1986), there has been no conclusively established standard for evaluating vote denial claims under this section. *Ohio Democratic Party*, 834 F.3d 637. What is clear, though, from the text of the statute is that the mere existence of a disparate impact of any voting practice or procedure is *not* sufficient to establish a cognizable and remediable claim under Section 2. *Id.* Because the focus in a Section 2 challenge is whether minorities have less opportunity to elect the candidate of their choice, "evidence that a particular election practice falls more heavily on minority voters, or that electoral outcomes are not proportionate to the numbers in the

populations, is not sufficient by itself to establish a Section 2 violation.” *DNC*, 904 F.3d at 713. Instead, Plaintiffs bear a much heavier burden of showing a “causal connection between the challenged voting practice and a prohibited discriminatory result, i.e., less opportunity to participate in the electoral process and elect representatives.” *Id.* (citation omitted). If a disparate impact alone was sufficient to make out a violation of Section 2, the statute would “dismantle every state’s voting apparatus.” *Frank*, 768 F.3d at 754.

This is why, for example, the Seventh Circuit quickly rejected a Section 2 attack on Wisconsin’s voter ID statute, even though the evidence in the case indicated that minority voters had significantly lower rates of ID ownership than whites. *Id.* The court noted that Section 2 must be understood “as an equal-treatment requirement (which is how it reads) [rather] than as an equal-outcome command.” *Id.* Similarly, the Fourth Circuit held in *Lee*, 843 F.3d at 598-601, that the voter ID requirement in Virginia did not violate Section 2 despite the fact that far more minorities lacked access to IDs than non-minorities. The Fourth Circuit’s analysis is quite apropos of the facts at issue here:

[P]laintiffs press their argument further, asserting categorically that as long as there is disparity in the rates at which different groups possess acceptable identification, § 2 is violated. To make this assertion, however, the plaintiffs have to make an unjustified leap from the disparate inconveniences that voters face when voting to the denial or abridgement of the right to vote. *Every decision that a State makes in regulating its elections will, inevitably, result in somewhat more inconvenience for some voters than for others. For example, every polling place will, by necessity, be located closer to some voters than to others. To interpret § 2 as prohibiting any regulation that imposes a disparate inconvenience would mean that every polling place would need to be precisely located such that no group had to spend more time traveling to vote than did any other. Similarly, motor-voter registration would be found to be invalid as members of the protected class were less likely to*

possess a driver's license. Yet, courts have also correctly rejected that hypothetical.

We conclude that § 2 does not sweep away all election rules that result in a disparity in the convenience of voting. As we noted in *North Carolina State Conference of NAACP v. McCrory*, 831 F.3d 204, 241 (4th Cir. 2016), “it cannot be that states must forever tip-toe around certain voting provisions” that would have more effect on the voting patterns of one group than another. Rather, § 2 asks us to evaluate whether the Virginia process has diminished the opportunity of the protected class to participate in the electoral process. If Virginia had required voters to present identifications without accommodating citizens who lacked them, the rule might arguably deprive some voters of an equal opportunity to vote. But where, as here, Virginia allows everyone to vote and provides free photo IDs to persons without them, we conclude that [the voter ID law] provides every voter an equal opportunity to vote and thus does not violate § 2 of the Voting Rights Act.

Id. at 600-01 (italicized emphasis added) (internal citations omitted).

If, and only if, the causal connection described above can be established, then the plaintiff can proceed to the next step and attempt to prove that, under the totality of the circumstances, the voting practice or procedure “has the effect, as it interacts with social and historical conditions, of causing racial inequality in the opportunity to vote.” *Ohio Democratic Party*, 834 F.3d at 638. But it is important to understand that Section 2 is still not implicated just because a racial group has suffered historical discrimination and thus may find itself at an indirect disadvantage in connection with a voting practice or procedure. As the Sixth Circuit explained:

[T]he second step asks whether the alleged disparate impact is in part caused by or linked to ‘social and historical conditions’ that have or currently produce discrimination against members of the protected class. Read in isolation, this formulation of the second step could be erroneously understood to mean that an alleged disparate impact that is linked to social and historical conditions makes out a Section 2 violation. But if the second step is divorced from the first step requirement of causal contribution by the challenged standard or practice itself, it is

incompatible with the text of Section 2 and incongruous with Supreme Court precedent. Thus, the second step asks not just whether social and historical conditions “result in” a disparate impact, but whether the challenged *voting standard or practice* causes the discriminatory impact as *it* interacts with social and historical conditions.

Ohio Democratic Party, 834 F.3d at 638 (internal quotations omitted).

Some courts, in fact, have questioned how much utility this second step even has. Indeed, the Seventh Circuit underscored that “units of government are responsible for their own discrimination, but not for rectifying the effects of other persons’ discrimination.” *Frank*, 768 F.3d at 753. In other words, even if a minority group has been subjected to historical discrimination, unless a plaintiff can specifically tie the challenged voting law or practice to discrimination committed by the governmental body at issue, Section 2 is not violated.⁶ *Id.* at 755.

In the case at bar, Plaintiffs fall far short of the mark in establishing a likelihood of success on their Section 2 cause of action. Other than the most general statistics about the Hispanic population in Dodge City and its poverty rate compared to non-Hispanics,⁷ Plaintiffs have offered no quantifiable evidence about the purported burden Hispanics will suffer from the transfer of the polling location 3.7 miles south from its former location for the November 2018 election. As a result, Plaintiffs come nowhere close to satisfying the first prong of the Section 2 test. It is not even clear that Plaintiffs are able to show that the use of the Expo Center will have a disparate impact on the

⁶ The term “minority group” is a bit misleading here inasmuch as it is well settled that Section 2 also protects the rights of white voters, particularly when they are in the minority in a jurisdiction. *See United States v. Brown*, 561 F.3d 420, 434 (5th Cir. 2009).

⁷ The utility of these population statistics is even more questionable since, according to the Census Bureau’s American Community Survey for 2012-2016, more than 23.5% of the Dodge City population is comprised of non-U.S. citizens.

Dodge City Hispanic community, let alone that such location will provide the Hispanic community with less opportunity to participate in the electoral process.

In sum, the establishment of a temporary polling place for the 2018 general election at the Expo Center has no racial connections. It is equally open to all voters. And particularly in light of all the accommodations the city has made available to help voters get to the polling place on Election Day, all voters clearly have an equal opportunity to get to the site. When one also throws in the myriad alternatives offered for voting early or via mail, under no reasonable interpretation of the law can the location of the new polling site for this election be deemed to contravene Section 2.

B. - Plaintiff's threatened injury does not outweigh the injury to Defendants and the public

Even if the Court determines that one or more of Plaintiffs' causes of action show a likelihood of success on the merits, a preliminary injunction would still be wholly inappropriate here due to the imminence of the November 6 general election and the adverse impact such relief would have on the Defendant's ability both to administer the election and comply with applicable federal and state laws.

The Supreme Court has consistently directed lower courts to exercise significant caution and restraint before ordering any changes to a state's election procedures on the eve of an election. The Court has observed that such "orders affecting elections, especially conflicting orders, can themselves result in voter confusion and consequent incentive to remain away from the polls. As the election draws closer, that risk will increase." *Purcell v. Gonzalez*, 549 U.S. 1, 4-5 (2006) (per curiam); *id.* at 5-6 (vacating stay of injunction against enforcement of voter ID requirements issued by lower court less

than five weeks before election). Requests for any sort of injunctive relief that would change election law in close proximity to an election are met with extreme skepticism and nearly *always* rejected. *See Veasey v. Perry*, 769 F.3d 890, 894-95 (5th Cir. 2014) (cataloguing Supreme Court cases).

Courts' rigorous enforcement of what has come to be known in election law circles as the *Purcell* doctrine has grown even stronger in recent years, particularly in the context of voting rules and the machinery of the election-day process. *See, e.g., Crookston v. Johnson*, 841 F.3d 396, 398-401 (6th Cir. 2016) (vacating injunction issued by district court less than one week before election against polling place rules). "Call it what you will – laches, the *Purcell* principle, or common sense – the idea is that courts will not disrupt imminent elections absent a powerful reason for doing so." *Id.* at 398. There is a very strong interest in the orderly and effective administration of voting laws. Changing rules and processes at the last minute inevitably will precipitate substantial confusion among poll workers and voters. *SEIU Local 1 v. Husted*, 698 F.3d 341, 345-46 (6th Cir. 2012). This must be avoided at all costs.

The relief that Plaintiffs seek – the opening of a new polling site for the November 6 election that is *less than a week away* – would be administratively *impossible* to put in place, would require Defendant to violate state election laws to implement at this stage, and would create such voter confusion and chaos that it would inevitably lead to a diminution of voter turnout and potential disenfranchisement of the very individuals whose rights Plaintiffs purport to be protecting.

If the Court were to order such relief, each of the following steps, *inter alia*, would have to be taken, which simply cannot be humanly done prior to next Tuesday:

- Choose a suitable location that is safe and secure and then negotiate agreement or contract with the owner of the facility. The venue must be available from the early morning to late at night and there can be little or no other activities going on that would interfere with the voting process and the sizable number of voting going in and out all day;
- Ensure that the location meets all of the Americans with Disabilities Act (ADA) comprehensive accessibility requirements, which are extremely rigorous and aggressively enforced by the U.S. Department of Justice's Civil Rights Division. See <https://www.ada.gov/votingck.htm>; see also Exhibit 2. Adequate parking for the disabled is critical in this regard; many sites may have adequate sites for certain purposes, but not enough for polling places, which tend to require more due to the substantially heavier use by the disabled on Election Day. See <https://www.ada.gov/votingchecklist.pdf>.
- Recruit, hire and train additional poll workers to staff the new location. In this vein, there must be a sufficient number of bilingual poll workers for the new site in light of the county's coverage under Section 203 of the Voting Rights Act. In light of K.S.A. 25-2908(c)'s mandate that every polling place have at least two individuals to read the name and repeat the name of each voter, a new site would also absolutely necessitate the hiring of more poll workers. After all, there would no longer be any economy of scale for this statutory function;
- Reprogram the voter registration database (ELVIS) to determine which voters should be assigned to the new location and what ballots they should receive. Ford County has 34 ballot styles for the upcoming election, tied to the precinct in which the voter resides;
- Reprogram poll pads (i.e., electronic poll books that has all voter registration records and precinct information), which are also set to polling locations and ballot styles;
- Reprogram the ADA / Help America Voting Act (HAVA) voting machines, which are designed for blind voters and are also tied to the precinct in which the voter resides;

- Order new paper ballots (for provisional ballots) that meet all of the conditions set forth above;
- Publicize the change in the polling place. This requirement would be further complicated by the fact that The Dodge City Daily Globe does not even publish on Mondays and the La Estrella paper publishes only on Thursdays;
- Notify all affected voters of the change in their polling location. This, in itself, is an impossibility inasmuch as state law requires that election changes must be communicated at least 30 days prior to the election. See K.S.A. 25-2701(d)(1).
- Print signage for the new polling place - in both English and Spanish. (Exhibit 1, ¶ 22).

There are probably at least a dozen other preparatory steps that this list overlooks. These steps simply cannot be done in time for the upcoming election. Indeed, it took the Defendant and her staff *a week* just to stuff the envelopes when she sent out notices to voters on September 28 of the change in polling location to the Expo Center. And it is not as if Defendant has no other work to do this week in preparing for this major election. Nor does she have a staff (other than a single election deputy, who just started in September) to whom she can delegate key tasks.

Plaintiffs naively argue that opening up a new polling location would entail little more than shifting certain personnel and voting machines to the new site. But that could cripple operations and lead to massive lines. Even if one were to suspend reality and assume that all the steps listed above could be completed in the next few days, Defendant would not know how many voters would show up at each location. After all, Dodge City has operated only a single polling place on Election Day for more than twenty years and additional poll workers cannot simply be reallocated throughout the day. Plus, under Kansas election law, voters must be assigned to a specific polling place

and cannot simply vote on Election Day at any site in the county or city that they choose. *See* K.S.A. 25-2702 (effectively prohibiting establishment of election centers).

Moreover, if problems arise, Defendant would have to shuttle back and forth between the locations, which could further exacerbate confusion and tensions at one site or the other. The harm to the Defendant and the public at large (including, of course, potential voters) is almost impossible to overstate. In short, Plaintiffs' proposed remedy is completely unworkable and a recipe for disaster. It must be rejected.

IV. - Conclusion

For the foregoing reasons, Defendant respectfully requests that the Court deny the Plaintiffs' Motion for a Temporary Restraining Order and Preliminary Injunction.

Respectfully Submitted,

By: /s/ Bradley J. Schlozman
Bradley J. Schlozman (KS Bar #17621)
Mitchell L. Herren (KS Bar #20507)
Jeffrey M. Kuhlman (KS Bar #26865)
HINKLE LAW FIRM LLC
1617 North Waterfront Parkway, Suite 400
Wichita, KS 67206
Tel.: (316) 267-2000
Fax: (316) 630-8466
E-mail: bschlozman@hinklaw.com
E-mail: mherren@hinklaw.com
E-mail: jkuhlman@hinklaw.com

Attorneys for Defendant

CERTIFICATE OF SERVICE

I certify that on October 30, 2018, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notifications of such filing to the e-mail addresses on the electronic mail notice list, including counsel for the Plaintiff.

By: /s/ Bradley J. Schlozman

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

LEAGUE OF UNITED LATIN AMERICAN
CITIZENS, KANSAS, ALEJANDRO
RANGEL-LOPEZ,
Plaintiffs,

vs.

DEBORAH COX, FORD COUNTY CLERK, in
her official capacity,
Defendant.

C.A. NO. 2:18-cv-02572-DDC

AFFIDAVIT

STATE OF KANSAS)
) SS:
COUNTY OF FORD)

Deborah Cox, of lawful age, being first duly sworn, on oath deposes and states as follows:

1. My name is Deborah Cox and I have been the duly elected Clerk of Ford County since 2016.
2. From 2012 until 2016, I served as a Deputy Election Officer in the Ford County Clerk's office.
3. Ford County has several voting locations, one of which is located in Dodge City. Since 1998, Dodge City has only had one voting location.
4. Since 1998, Dodge City's single voting location has been the Dodge City Civic Center. The Civic Center is owned by USD 443.
5. On August 29, 2018, officials at USD 443 informed me that construction at the Civic Center would begin in October 2018. They gave me a map that showed where the

EXHIBIT 1

construction was expected. It appeared to me that as a result of the construction, a portion of the parking lot would be inaccessible. Specifically, the main parking area and some of the handicap parking spots would be blocked off. Ultimately, I believed that there was a significant risk that both parking and access to the Civic Center would be affected by the construction. Attachment A is a copy of the map I was given.

6. The potential complications that construction would cause led me to doubt whether the Civic Center would be the best location for the November 2018 election, especially since early November carries a risk of inclement winter weather conditions.

7. Because Kansas Law requires at least 30 days' advance notice of any change in polling location, I had to determine whether to move the voting location on or before October 7, 2018. I ultimately decided that it was safest to find another voting location to use in November 2018 while the Civic Center was under construction.

8. I began searching for an alternative, temporary polling location for the November 2018 election. By September 11, 2018, I used my best judgment and, for the reasons described below, determined that the best location for a temporary polling location was the Western State Bank Expo Center (the "Expo Center").

9. The Expo Center is about half of a mile outside the city limits. It is owned by Ford County (which would make snow and ice removal logistically easier) and meets all of the requirements of the Americans with Disabilities Act. The Expo Center is secure and large enough to accommodate the heavy voting traffic expected on Election Day. No other competing events are scheduled at the Expo Center around Election Day, and the residents of Dodge City are very familiar with the Expo Center and its location. In fact, I have been advised after making

this selection that the Expo Center is frequently used by members of the Hispanic community for events.

10. I considered using one of Dodge City's schools, but chose the Expo Center because traffic is often quite heavy at schools during the morning and afternoon hours when children are being dropped off and picked up. These are typically the heaviest voting times as well, making the schools less than ideal for a polling place. Further, I was under the impression that our local schools have less handicap parking than the Expo Center. In fact, based on my discussions with representatives from other counties and the Secretary of State's Office over the years, it is my understanding that other counties throughout the state are using schools as polling sites far less often than ever because of logistical complexities.

11. On September 28, 2018, I mailed notices of the change of voting location to registered voters at the last address each had provided as part of their voter registration process. The notice explained the location change for the November 6 election, outlined advance voting and mail-in ballot options, noted polling times at the Expo Center, and most importantly, encouraged people to vote. The notices also informed the voters that the Expo Center was being used a temporary voting location due to construction at the Civic Center, but pointed out that the Civic Center would return to being used as the voting location for future elections. A copy of my September 28 letter is Attachment B.

12. Some of those notices were returned as undeliverable, which was usually the result of voters not re-registering after changing residences. My office used the voters' last known address in sending the notices.

13. After I had notified voters of the polling place change on September 28, I discovered that certain individuals who registered to vote after that date but before the October

16 registration deadline received a Notice of Disposition card (i.e., voter registration postcard) indicating that their polling place was the Civic Center. There were 294 voters in Dodge City who received the notification through the postcard of their normal polling place. As of the date of this filing, however, *all of those voters* have been mailed correspondence pointing out the temporary relocation of their polling place to the Expo Center.

14. As we have done in past elections, Ford County and Dodge City are cooperating this year to provide free public transportation to voters. Beginning October 4, the City began posting signs advertising free rides and posted notice to that effect on its website. Notices have been issued in both English and Spanish. The free transportation that is offered is door-to-door roundtrip. In other words, people can sign up to be picked up at their home and dropped off at the Expo Center to vote, and then provided a ride home. Attachments C, D, and E are examples of the notices.

15. Since October 23, Ford County has posted on its website, and it issued a press release that day, highlighting in English and Spanish the free public transportation available to anyone who calls to schedule it, as well as the advance and mail-in voting options available during weekdays, weekday evenings, and on the Saturday before the election. Attachment F is an example of this notice.

16. I have also taken other steps to publicize the change in location, the free transportation, and the advance and mail-in voting locations by arranging for this information to be published in the Dodge City Globe newspaper, La Estrella newspaper, and radio stations 92.9/101.5 La Mexicana, 93.9 The Buzzard, 96.3 The Marshall, 95.5/1470 Super Hits, Q97 and Z98, and 1370 KGNO. The Dodge City Chat Facebook page has also discussed these issues extensively.

17. On October 29, the Dodge City Mayor issued yet another press release again explaining that the city was offering free public transportation directly from the voter's door to the polling place and back, as well as again highlighting all of the advance voting opportunities and details. Attachment G is a copy of this release.

18. Dodge City has also offered free public transportation door-to-door for any voter wanting to ride to the Ford County Government Center (the location of the County Clerk's Election Office) to participate in advance voting. Mail in ballots can be mailed in on or before October 30, 2018. See Attachment G.

19. Advance voting times have been well publicized in avenues such as those mentioned above. Voters have been advised that advance voting is available not only by mail, but also early in person at the County Clerk's office at the Government Center, on October 18th and 19th from 9:00 am – 4:30 pm; October 22-26 from 9:00 am – 4:30 pm; October 29 from 9:00 am – 4:30 pm; October 30th from 9:00 am – 7:00 pm; October 31st from 9:00 am to 4:30 pm; November 1st from 9:00 am – 7:00 pm; November 2 from 9:00 am to 4:30 pm; Saturday, November 3rd from 10:00 am – 2:00 pm; and November 5th from 9:00 am – noon.

20. I have lived in Dodge City all of my life. The trains are a daily part of life, and block different parts of town at various times. People who live on the south side of the tracks often cross them to the north, and vice versa. I have personally worked on the south side of Dodge City for many years and routinely crossed the tracks on almost a daily basis without any problems. In addition, in the event a train would happen to block a road for a longer than usual amount of time, there are alternate under/over passes that can be used to go from north to south and vice versa.

21. My current plan is to have a second polling location no later than the next large-volume election in 2020, if not by 2019.

22. It would be totally impossible, however, for my office to open a new polling place for next week's election. My office would have to complete numerous, burdensome tasks, including but not limited to the following:

- Choosing a suitable location that is safe and secure and then negotiating an agreement or contract with the owner of the facility. The venue must be available from the early morning to late at night and there can be little or no other activities going on that would interfere with the voting process and the sizable number of voting going in and out all day;
- Ensuring that the location meets all of the Americans with Disabilities Act (ADA) comprehensive accessibility requirements, which are extremely rigorous and aggressively enforced by the U.S. Department of Justice's Civil Rights Division. Adequate parking for the disabled is critical in this regard; many sites may have adequate sites for certain purposes, but not enough for polling places, which tend to require more due to the substantially heavier use by the disabled on Election Day.
- Recruiting, hiring and training additional poll workers to staff the new location. In this vein, there must be a sufficient number of bilingual poll workers for the new site in light of the county's coverage under Section 203 of the Voting Rights Act. In light of K.S.A. 25-2908(c)'s mandate that every polling place have at least two individuals to read the name and repeat the name of each voter, a new site would absolutely necessitate the hiring of more poll workers. After all, there would no longer be any economy of scale for this statutory function;
- Reprogramming the voter registration database (ELVIS) to determine which voters should be assigned to the new location and what ballots they should receive. Ford County has 34 ballot styles for the upcoming election, tied to the precinct in which the voter resides;
- Reprogramming poll pads (i.e., electronic poll books that has all voter registration records and precinct information), which are also set to polling locations and ballot styles;
- Reprogramming the ADA / Help America Voting Act (HAVA) voting machines, which are designed for blind voters and are also tied to the precinct in which the voter resides;

- Ordering new paper ballots (for provisional ballots) that meet all of the conditions set forth above;
- Notifying all affected voters of the change in their polling location. This, in itself, is an impossibility inasmuch as state law requires that election changes must be communicated at least 30 days prior to the election. See K.S.A. 25-2701(d)(1).
- Printing signage for the new polling place – in both English and Spanish.

23. It would impossible to complete the above tasks in less than a week even if I had an adequately sized staff, which I do not. Rather, I have one deputy, who was hired in September 2018 and is still being trained. This is my first election.

24. Almost all of my time in the next week will be devoted to training poll workers, overseeing advance voting, and handling the many other frenzied requirements of a county clerk the week before an election.

FURTHER AFFIANT SAYETH NAUGHT.

Deborah Cox
Deborah Cox

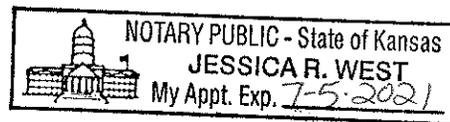
SUBSCRIBED AND SWORN to before me, a Notary Public, this 30th day of October, 2018.

Jessica R. West
Notary Public

My Appointment Expires:

7-5-2021

[Seal]





Ford County Clerk's Office
100 Gunsmoke
P.O. Box 1575
Dodge City, KS 67801
P (620) 227-4550
F (620) 227-4699

DEBBIE COX
County Clerk
Election Officer
dcox@fordcounty.net

JESSICA WEST
Finance Coordinator
Deputy County Clerk
jwest@fordcounty.net

LISA RUEB
Election Clerk
lrieb@fordcounty.net

TIERRA CHARLES
Accounts Payable
tcharles@fordcounty.net

Dear Registered Voter,

I have been notified by USD 443 that construction will begin in October around the Civic Center for the new Administration Building. Because of the construction that will be going on, it is with a great deal of thought and concern for voter safety that I have decided to move the November 6, 2018, General Election from the Civic Center to the **Western State Bank Expo Center**. I understand that this is not a convenient location but it is one that will meet the ADA requirements and is large enough to hold an election of this size. I would like to remind you that you have options in voting.

1. You may vote In Advance In Office starting October 18, 2018, hours will be 9:00 am to 4:30 pm Monday through Friday. We will be offering a Saturday vote on November 3, 2018 in the Ford County Clerk's Office from 10:00 am to 2:00 pm. We will also have evening voting on Tuesday October 30, 2018, until 7:00 pm, Thursday November 1, 2018 until 7:00 pm. in the Ford County Clerk's Office.
2. You can request your ballot by mail. I have enclosed an Application for a Mail Ballot. If you chose, you may fill the application out and return it to our office. You may mail it back to 100 Gunsmoke, you can scan it back to dcox@fordcounty.net or lrieb@fordcounty.net. You can fax it back to 620-227-4699. Ballots will be mailed out starting October 17, 2018. The last day we can mail a ballot out will be October 30, 2018.

We will be back at the Civic Center once construction has finished. Remember to VOTE. You have options.

In office starting October 18, 2018 Hours are 9:00 am to 4:30 pm Monday through Friday.

Tuesday October 30, 2018 hours will be 9:00 am to 7:00 pm. Thursday November 1, 2018 hours will be 9:00 am to 7:00 pm. Saturday November 3, 2018 hours will be 10:00 am to 2:00 pm.

Receive your ballot by mail; return the enclosed application before October 10, 2018.

Last day to mail out ballots is October 30, 2018

Vote at the Western State Bank Expo Center on November 6, 2018. Polls will be open 7:00 am to 7:00 pm.

Debbie Cox
Ford County Clerk/Election Officer

EXHIBIT B

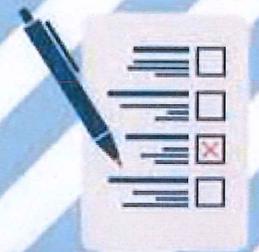
DODGE CITY
AREA CHAMBER OF COMMERCE



VOTE DODGE CITY



ADVANCE VOTING | ELECTION DAY



WHEN

THUR, OCT 25th FROM 9AM - 4:30PM
FRI, OCT 26th FROM 9AM - 4:30PM
MON, OCT 29th FROM 9AM - 4:30PM
TUE, OCT 30th FROM 9AM - 7PM
THUR, NOV 1st FROM 9AM - 7PM
SAT, NOV 3RD FROM 10AM - 2PM
MON, NOV 5TH FROM 9AM-NOON

WHEN

TUESDAY, NOVEMBER 6TH
POLLS OPEN 7AM - 7PM

WHERE

COUNTY CLERKS OFFICE
100 GUNSMOKE, 4TH FLOOR,
DODGE CITY, KS 67801

WHERE

WESTERN STATE BANK EXPO CENTER
11333 US HWY 283,
DODGE CITY, KS 67801

ADVANCE VOTING ENDS
MONDAY, NOV. 5TH @NOON

DEADLINE FOR MAIL IN BALLOTS IS
OCT. 30TH

FREE PUBLIC
TRANSPORTATION
ON NOV. 6TH.
TO SCHEDULE PICK-UP
PLEASE CALL (620) 371-3879

VOTING QUESTIONS PLEASE CONTACT THE
ELECTION OFFICE (620) 227-4551



**Need a free ride to
cast your vote?**

**¿Necesita transporte
gratis para emitir su
voto?**

**Call at/Llamar al:
(620) 371-3879**

Door to door service and to and from the voting office/poll.
Service is available for early voting and on Election Day.

Servicio de puerta a puerta y viaje redondo hasta la casilla
de votación. El servicio está disponible para votar temprano
y durante el Día de Elección.



City of Dodge City



November 6, 2018

Exercise your right to Vote!

Need a ride to cast your vote?

Passengers exercising their right to vote will ride free of charge.

To schedule a ride please call Dodge City Public Transportation at

620-371-3879





6 de Noviembre, 2018

¡Ejerza su derecho a votar!

¿Necesita transportacion para emitir su voto?

Los pasajeros que necesitan transportacion para vota viajarán gratis

Solo llame al Transporte Público de Dodge City para agendar su viaje

620-371-3879



[Home](#)

Posted on: October 23, 2018

Letter from the Mayor

Media Contact:

Melissa McCoy, Assitant to the City Manager/Public Relations

620-225-8100

melissam@dodgecity.org

FOR IMMEDIATE RELEASE

Letter from City of Dodge City Mayor:

Recently, my fellow Commissioners and I, as well as City staff have received many inquiries regarding the election location being relocated. Elections are an issue that falls within the jurisdiction of the Ford County Clerk and/or the Secretary of State.

The City of Dodge City has no authority over election issues.

We are very proud of our small but growing diverse community. Our citizens are engaged in all facets of our community including commerce, education, recreation, and politics. With that being said, our citizen's accessibility to exercising their most fundamental right of voting is our utmost concern. So when the Ford County Clerk sent notification of the temporary relocation of the election site due to potential construction at the existing election location at the Civic Center, we agreed to provide assistance by providing a ride door to door via public transportation to anyone who might not have transportation to the new site.

However, we continued to receive inquiries and statements implying that our community voters are being suppressed. It is not our place to agree or disagree, however, we feel it is necessary to share the facts and what we are doing to assist our citizens:

- City of Dodge City – Public Transportation is offering free door to door rides to and from the polling location on Election Day to those that call and schedule a pickup. Those wishing to utilize the free transportation will need to call and schedule with Dodge City Public Transportation at 620-371-3879
- The Ford County, Clerk/Elections Office, does provide advanced voting that is taking place currently.

Tools

[RSS](#)

Categories

- [All Categories](#)
- [Home](#)

EXHIBIT F

- In office voting during the weekdays leading up to Election Day is from 9:00 a.m. to 4:30 p.m. in the County Clerk's office.
- On October 30, and November 1 they will have the voting open until 7:00 p.m.
- On Saturday, November 3 they will have voting open from 10:00 a.m. to 2:00 p.m.
- Registered voters in Ford County may also request a ballot by mail until October 30th.

After you have read this information, if there are still unanswered questions or statements you wish to make, we are certain that the Ford County Clerk and the Kansas Secretary of State would be happy to answer your inquiries as all things "elections" are within their direction and control.

Sincerely,

E. Kent Smoll

Mayor

Carta del alcalde de la Ciudad de Dodge City:

Recientemente, mis colegas comisionados y yo, así como el personal de la Ciudad han recibido muchas preguntas sobre la ubicación de elecciones que fue reubicada. Las elecciones son un asunto que cae dentro de la jurisdicción de la Secretaria del Condado de Ford y/o el Secretario de Estado. La Ciudad de Dodge City no tiene autoridad sobre temas electorales.

Estamos muy orgullosos de nuestra pequeña pero creciente comunidad diversa. Nuestros ciudadanos están comprometidos en todas las facetas de nuestra comunidad, incluyendo el comercio, la educación, la recreación y la política. Dicho esto, la accesibilidad de nuestros ciudadanos a ejercer su derecho más fundamental de votar es nuestra máxima preocupación. Así que cuando la Secretaria del Condado de Ford envió la notificación de la reubicación temporal del sitio electoral debido a la construcción potencial en el centro cívico, acordamos ser de ayuda proporcionando transporte a través del Transporte Público de la Ciudad a cualquier persona que necesite transporte al nuevo sitio de votaciones.

Sin embargo, continuamos recibiendo preguntas y declaraciones que implican que nuestros votantes comunitarios están siendo suprimidos. No es nuestro lugar estar de acuerdo o discrepar, sin embargo, sentimos que es necesario compartir los hechos y lo que estamos haciendo para ayudar a nuestros ciudadanos:

- Ciudad de Dodge City – el Transporte Público de la Ciudad ofrecerá viajes gratuitos de puerta a puerta desde y hacia el lugar de votación el día de las elecciones a aquellos que llamen y agenden su viaje. Aquellos que deseen utilizar el transporte público tendrán que llamar y agendar con el Transporte Público de la Ciudad al 620-371-3879.
- La Oficina de la Secretaria/de Elecciones del el Condado de Ford, ofrece votación avanzada que actualmente está sucediendo.
- La oficina de elecciones durante los días laborables que conducen al día de elección está abierta de 9:00 a.m. a 4:30 p.m. en la oficina de Secretaria del Condado.
- El 30 de octubre y 1 de noviembre la oficina de elecciones estará abierta hasta las 7:00 p.m.

- El sábado, 3 de noviembre la oficina votaciones estará abierta de 10:00 a.m. a 2:00 p.m.
- Los votantes registrados en el Condado de Ford también pueden solicitar una boleta por correo hasta el 30 de octubre.

Después de haber leído esta información, si todavía hay preguntas o declaraciones sin respuesta que desea hacer, estamos seguros de que la Secretaria del Condado de Ford y el Secretario de Estado de Kansas les podrán responder sus preguntas, ya que todas las "elecciones" están dentro de su total control y dirección.

Sinceramente,

E. Kent Smoll

Alcalde

[← Previous](#)

[Free Transportation on Election Day](#)

[Next →](#)

[Community Newsletter](#)

Other News in Home

Letter to Dodge City Citizens

Posted on: October 29, 2018

Need a free ride to cast your vote? ¿Necesita transporte gratis para emitir su voto?

Posted on: October 29, 2018

Free Transportation on Election Day

Posted on: October 24, 2018

Community Newsletter

Posted on: October 26, 2018

Community Newsletter

Posted on: October 19, 2018

Community Newsletter

Posted on: October 12, 2018

Community Newsletter

Posted on: October 5, 2018

Video Tour of Dodge City

Posted on: March 29, 2018



Media Contact:
Melissa McCoy, Assistant City Manager/ Public Affairs
620-225-8100
melissam@dodgecity.org

FOR IMMEDIATE RELEASE — October 29, 2018

Dear Dodge City Citizens:

My fellow Commissioners, City staff and I have received many comments and questions from around the state and from out-of-state regarding concerns of voter suppression. The decision to relocate the polling location is the responsibility of the Ford County Clerk, the City of Dodge City is not charged with that responsibility.

I submitted a letter to the press on October 23, 2018 addressing this matter. In case you missed this opportunity to receive accurate information, I will reiterate what was stated in the letter and expand the information as it has evolved.

Here are the facts as they now exist:

1. For more than two decades, the County Clerk has maintained one polling location inside the City.
2. To my knowledge of that of our administrative staff, there have been no previous complaints received from our citizens regarding the existence of a single polling location located inside of the City.
3. When the County Clerk determined the polling location would be temporarily moved, she notified all registered voters by letter, in both English and Spanish, of the following:
 - a. The temporary change in location.
 - b. The opportunity for advance voting at the Government Center, located at 100 Gunsmoke Street in the heart of the community.
 - i. The Government Center is approximately one block from the main public transportation bus hub, with sidewalks and controlled pedestrian crossings at the transportation hub.
 - c. Advance voting is available during weekdays leading up to Election Day from 9 a.m. to 4:30 p.m. in the County Clerk's office.
 - d. The County Clerk will have advance voting open until 7 p.m. on October 30 and November 1.
 - e. On Saturday, November 3 the County Clerk will have advance voting open from 10 a.m. to 2p.m.
 - f. Registered voters in Ford County may also request a ballot by mail until October 30th.
4. On October 4, 2018, prior to this issue rising to the level of state and national media attention, City officials announced the City would provide free public transportation rides from the voter's door to the polling site door, with another free return ride.
5. City officials decided last Friday, that free rides will be available until Election Day from door to door for voters to the Government Center, for any citizens who desire to participate in advance voting opportunities at the Ford County Government Center.
6. City officials discussed with the County Clerk the possibility of adding a second polling location for this election. There are several barriers to this option including timing requirements, ballots and the fact that voting is already underway.
7. City officials committed City Staff assistance to the County Clerk with additional bilingual poll workers. We will ask our qualified staff to be trained this week and work under the County Clerk on Election Day. We made this commitment to County Clerk not just for this election, but for as long as there is a need not filled by qualified volunteers.

The City and County have worked together to accomplish a tremendous amount of success. I do not foresee it being different in this case. Conversations have begun with the County Clerk in regards to establishing at least one more polling location for future elections. We want to encourage everyone to go out and exercise their right to vote and I would like to remind everyone in closing that if you need transportation for voting call and schedule a ride with Dodge City Public Transportation at 620-371-3879. I greatly appreciate your time and consideration.

Sincerely,

E. Kent Smoll
Dodge City Mayor

EXHIBIT G



City of Dodge City

Contacto de los medios:
Melissa McCoy, Assistant City Manager/ Public Affairs
620-225-8100
melissam@dodgecity.org

PARA PUBLICACIÓN INMEDIATA- 29 de octubre de 2018

Estimados ciudadanos de Dodge City:

Mis colegas comisionados, el personal de la Ciudad y yo hemos recibido muchos comentarios y preguntas de alrededor del estado y de fuera del estado con respecto a las preocupaciones de la supresión de los votantes. La decisión de reubicar el lugar de votación es responsabilidad de la Secretaria del Condado de Ford, la Ciudad de Dodge City no tiene ninguna autoridad sobre esa responsabilidad.

Presenté una carta a la prensa el 23 de octubre de 2018 para aclarar este asunto. En caso de que no allá tenido la oportunidad de recibir información precisa, voy a reiterar lo que se declaró en la carta y ampliar la información a medida que ha evolucionado.

Aquí están los hechos como ahora existen:

1. Durante más de dos décadas, la Secretaria del Condado ha mantenido un solo lugar de votaciones dentro de los límites de la Ciudad.
2. A conocimiento de nuestro personal administrativo, no se han recibido quejas previas de nuestros ciudadanos con respecto a la existencia de un solo lugar de votación dentro de los límites de la Ciudad.
3. Cuando la Secretaria del Condado determinó que el lugar de votación sería trasladado temporalmente, ella notificó a todos los votantes registrados por carta, tanto en inglés como en español, de lo siguiente:
 - a. El cambio temporal sobre la ubicación.
 - b. La oportunidad de votar por adelantado en el Centro de Gobierno del Condado que se encuentra en el 100 Gunsmoke Street en el corazón de la comunidad.
 - i. El Centro de Gobierno está aproximadamente a una cuadra del centro de autobuses de transporte público, con banquetas y cruces peatonales controlados que te llevan el centro de transporte.
 - c. La votación anticipada está disponible durante los días laborables que precede al Día de las Elecciones de 9 a.m. a 4:30 p.m. en la oficina de la Secretaria del Condado.
 - d. La Secretaria de Condado tendrá la votación anticipada abierta hasta las 7 p.m. el 30 de octubre y el 1 de noviembre.
 - e. El sábado, 3 de noviembre la Secretaria del Condado tendrá la votación anticipada abierta de 10 a.m. a 2 p.m.
 - f. Los votantes registrados en el Condado de Ford también pueden solicitar una boleta por correo hasta el 30 de octubre.
4. El 4 de octubre de 2018, antes de que esta cuestión se elevara al nivel de atención de los medios de comunicación estatal y nacional, los funcionarios de la Ciudad anunciaron que la Ciudad proporcionaría viajes gratuitos de transporte público desde la puerta del votante hasta la puerta del sitio de votación, con viaje de regreso gratis.
5. Los funcionarios de la Ciudad decidieron el viernes pasado, que los viajes de transporte gratuitos estarán disponibles hasta el Día de las Elecciones de puerta en puerta para los votantes al Centro de Gobierno del Condado, para cualquier ciudadano que desee participar en las oportunidades de votación por adelantado en el Centro de Gobierno del Condado de Ford.
6. Los funcionarios de la Ciudad discutieron con la Secretaria del Condado la posibilidad de agregar una segunda ubicación de votación para esta elección. Hay varias barreras a esta opción, incluyendo los requisitos de tiempo, las boletas de votación y el hecho de que la votación ya está en marcha.
7. Los funcionarios de la Ciudad comprometieron asistencia de personal de la Ciudad a la Secretaria del Condado con trabajadores bilingües adicionales. Nosotros le pediremos a nuestro personal calificado que sea entrenado esta semana y que trabaje bajo la Secretaría del Condado el Día de las Elecciones. Hemos hecho este compromiso con la Secretaria del Condado no sólo para esta elección, pero también en caso de que haiga necesidad y no encuentren voluntarios calificados en el futuro.

La Ciudad y el Condado han trabajado juntos para lograr éxito en nuestra comunidad. No espero que sea diferente en este caso. Las conversaciones han empezado con la Secretaria del Condado con respecto a establecer al menos una ubicación de votación adicional para las próximas elecciones. Queremos animar a todos a salir a ejercer su derecho a votar y me gustaría recordarles que si usted necesita transporte para ir a votar llame y agende su viaje con el Transporte Público de Dodge City al 620-371-3879.

Aprecio mucho su tiempo y consideración.

Sinceramente,

E. Kent Smoll

Alcade de Dodge City

VOTING ACCESSIBILITY CHECKLIST
FOR PRIMARY AND GENERAL ELECTIONS

QUESTIONS

POSSIBLE SOLUTIONS

COUNTY _____	WARD/PRECINCT/TOWNSHIP _____
VOTING LOCATION ADDRESS _____	
VOTING LOCATION CITY/TOWN NAME _____	

1 GETTING TO - AND INTO - THE BUILDING

People with disabilities should be able to arrive on the site, approach the building, and enter as freely as everyone else. At least one route of travel should be safe and accessible for everyone, including people with disabilities.

A Finding a place to park

(Parking and Drop-Off Areas - ADAAG 4.6)

Yes No → → →

If no, consider making these changes, as needed:

Does the facility housing the voting location have:

* distinctly marked parking spaces?

--	--

Create some type of parking area so that accessible parking can be provided.

* distinctly marked accessible parking spaces?

--	--

Construct required number of accessible parking spaces (see below for more information).

Note for above: All voting places are required to have the proper number of accessible parking spaces for the election. Any spaces constructed for this purpose should be permanent, but may be temporary for voting day only.

Are the accessible parking spaces the closest parking spaces to the accessible entrance?

--	--

Relocate spaces so they are closest spaces to the accessible entrance.

Is there at least 96 inches of vertical clearance above each accessible parking space?

--	--

vertical clearance

Reconfigure/relocate parking spaces so that required vertical clearance is achieved.

Remove objects protruding into the required clearance area.

Is the required number of accessible, 8-foot wide, parking spaces provided? (Table to the right gives the number of required accessible parking spaces in lots of up to 100 parking spaces - please call KCDC for lots with more than 100 spaces.)

--	--

number of accessible spaces

Reconfigure to provide correct number of accessible spaces in the proper dimensions (see below).

Total spaces	Req'd # accessible
1 to 25	1 space
26 to 50	2 spaces
51 to 75	3 spaces
76 to 100	4 spaces

Note for below: At least one of every eight accessible spaces must be van accessible (minimum of one van accessible space).

--	--

width of existing accessible spaces

Is the correct number of van accessible parking spaces provided?

--	--

of spaces

Reconfigure to provide correct number of van accessible spaces in the proper dimensions.

Note for below: Each accessible parking space must have an access aisle. Accessible parking spaces may share access aisles.

VOTING ACCESSIBILITY CHECKLIST
FOR PRIMARY AND GENERAL ELECTIONS

QUESTIONS	POSSIBLE SOLUTIONS
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	Yes	No	→	→	→	
Is the correct number of access aisles of the correct dimension provided? * five-foot wide for standard accessible spaces? * eight-foot wide for van accessible spaces?	<input type="checkbox"/>	If no, consider making these changes, as needed: <input type="checkbox"/> Reconfigure to provide correct number of access aisles of the proper dimensions.				
Do all access aisles connect to the accessible route that goes to the accessible entrance?	<input type="checkbox"/> Add curb ramps. <input type="checkbox"/> Reconstruct sidewalk.					
Are all accessible parking spaces clearly indicated by an upright sign with the International Symbol of Accessibility attached to it?	<input type="checkbox"/> Add proper signs, placed so that they are not obstructed by cars.					
For each van accessible parking space, is there a "Van Accessible" sign mounted on the same post, below the International Symbol of Accessibility?	<input type="checkbox"/> Add "Van Accessible" signage, placed so they are not obstructed by cars.					

Note for above: Signs must be permanently attached to a pole or a building wall directly in front of each accessible parking space. *Painting the International Symbol of Accessibility on the surface of the accessible parking space does not meet this requirement.*

B Getting to the building

{Route of Travel - ADAAG 4.3, 4.4, 4.5, 4.7}

Is there a route of travel from the accessible parking space to the entrance without any stairs, steps or curbs?	<input type="checkbox"/> Add a ramp or lift. <input type="checkbox"/> Add an alternative route on level ground.					
Is this route stable, firm and slip-resistant?	<input type="checkbox"/> Repair uneven paving. <input type="checkbox"/> Fill small bumps and breaks. <input type="checkbox"/> Replace gravel with hard-topped surface.					
Is this route at least 36 inches wide?	<input type="checkbox"/> Change or move landscaping, furnishings, or other features that narrow the path of travel. <input type="checkbox"/> Widen route.					
Is this route free of any objects that protrude into it more than four inches?	<input type="checkbox"/> Move or remove protruding objects.					
If no, then: * Is the highest point of any such object less than 27 inches above the floor or ground?	<input type="checkbox"/> Move or remove protruding objects. <input type="checkbox"/> Place a cane-detectable object on the ground underneath as a warning barrier.					
* Is the lowest point of any such object more than 80 inches above the floor or ground?	<input type="checkbox"/> Add a cane-detectable base to the object that extends to within 27 inches of the ground. <input type="checkbox"/> Move object so it is out of the accessible route.					

Note for above: Cane-detectable objects must be no more than 27 inches above the ground or floor. It is not necessary to remove objects that protrude less than four inches from the wall, no matter their height above the ground or floor.

**VOTING ACCESSIBILITY CHECKLIST
FOR PRIMARY AND GENERAL ELECTIONS**

QUESTIONS	POSSIBLE SOLUTIONS
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<p>Do curbs on the route have cuts at drives, parking and drop-offs?</p>	Yes No → → → <input type="checkbox"/> <input type="checkbox"/>	<p>If no, consider making these changes, as needed: <input type="checkbox"/> Install curb cut. <input type="checkbox"/> Add accessible ramp connecting with curb.</p>
<p>Are curb cuts (curb ramps) on the accessible route at least 36 inches wide, excluding flared edges?</p>	<input type="checkbox"/> <input type="checkbox"/>	<p><input type="checkbox"/> Widen curb cut (curb ramp).</p>
<p><i>{Ramps - ADAAG 4.8}</i></p>		
<p>Are the slopes of ramps no greater than 1 inch of height for every 12 inches of length?</p>	<input type="checkbox"/> <input type="checkbox"/> slope	<p><input type="checkbox"/> Lengthen ramp to decrease slope. <input type="checkbox"/> Relocate ramp. <input type="checkbox"/> If space is limited, reconfigure ramp to include switchbacks.</p>
<p><i>Note for above: Slope is the ratio of height to length - 1:12 means the ramp height increases one inch for every 12 inches of ramp length. (1:12 = one foot of ramp length for each inch of ramp height)</i></p>		<p><i>Note for above: Switchback - when a ramp reverses direction two L-shaped (90 degree) turns.</i></p>
<p>Is there a 5-foot long level landing (resting place) at least as wide as the ramp leading to it located: * after no more than 30 feet of ramp length? * at the top and bottom of each ramp? * at each switchback?</p>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p><input type="checkbox"/> Install landing and/or remodel/relocate ramp. <input type="checkbox"/> Install landing and/or remodel/relocate ramp. <input type="checkbox"/> Install landing and/or remodel/relocate ramp.</p>
<p>Do all ramps with sides that drop off have some type of edge protection at least two inches high? (Edge protection are curbs, walls, railings, or projecting surfaces that prevent people from slipping off the ramp.)</p>	<input type="checkbox"/> <input type="checkbox"/>	<p><input type="checkbox"/> Provide some type of edge protection.</p>
<p>Do all ramps longer than six (6) feet have railings on both sides?</p>	<input type="checkbox"/> <input type="checkbox"/>	<p><input type="checkbox"/> Add railings.</p>
<p>Does each handrail extend, parallel to the ground, at least 12 inches beyond the top and bottom ramp segments?</p>	<input type="checkbox"/> <input type="checkbox"/>	<p><input type="checkbox"/> Replace handrails.</p>
<p>Are railings sturdy and mounted between 34 and 38 inches above the ramp surface throughout?</p>	<input type="checkbox"/> <input type="checkbox"/> height	<p><input type="checkbox"/> Adjust height of railing. <input type="checkbox"/> Secure handrails in fixtures.</p>
<p>Is handrail diameter between 1-1/4" and 1-1/2"?</p>	<input type="checkbox"/> <input type="checkbox"/> diameter	<p><input type="checkbox"/> Reposition/replace handrails.</p>
<p>Is there 1-1/2 inches of clear space between each handrail and the mounting wall (or an adjacent wall, if not wall-mounted)?</p>	<input type="checkbox"/> <input type="checkbox"/> clear space	<p><input type="checkbox"/> Reposition/replace handrails.</p>

**VOTING ACCESSIBILITY CHECKLIST
FOR PRIMARY AND GENERAL ELECTIONS**

QUESTIONS	POSSIBLE SOLUTIONS
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<p>Are handrail ends rounded? **OR**</p> <p>Do they return to the wall, floor or a post?</p> <p>Is the width between railings or curbs of the ramp at least 36 inches? <small>width</small></p> <p>Is the inside handrail of a switchback continuous?</p> <p>Are ramps slip resistant?</p>	<p>Yes No → → →</p> <p><input type="checkbox"/> <input type="checkbox"/></p>	<p>If no, consider making these changes, as needed:</p> <p><input type="checkbox"/> Replace handrails.</p> <p><input type="checkbox"/> Reposition/replace handrails.</p> <p><input type="checkbox"/> Relocate handrails.</p> <p><input type="checkbox"/> Widen the ramp.</p> <p><input type="checkbox"/> Reposition/replace handrails.</p> <p><input type="checkbox"/> Add non-slip surface material.</p>
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C Getting into the building

{Entrance - ADAAG 4.13, 4.14, 4.5}

<p>If there are stairs at the main entrance, is there also a ramp or lift?</p> <p>If the main entrance is not accessible and it's not feasible to make it accessible, is there an alternate accessible entrance available?</p>	<p><input type="checkbox"/> <input type="checkbox"/></p> <p><input type="checkbox"/> <input type="checkbox"/></p>	<p><input type="checkbox"/> Install ramp (portable or temporary) or lift.</p> <p><input type="checkbox"/> Find or create alternate accessible entrance.</p> <p><input type="checkbox"/> Create alternate accessible entrance.</p> <p><input type="checkbox"/> Move voting to an accessible location.</p>
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Note: If it is not possible to make the main entrance accessible, create a dignified alternate accessible entrance. Do not use a service entrance as the accessible entrance unless there is no other option. If parking is provided, make sure the accessible parking is as close as possible to the accessible entrance(s).

<p>Can the alternate accessible entrance be used independently, without assistance from others?</p> <p>Do all inaccessible entrances have signs indicating the location of the nearest accessible entrance?</p> <p>Is there a <u>level</u> landing at least five feet square directly in front of <u>each</u> accessible door at <u>each</u> accessible entrance?</p> <p>With the entrance door fully open, is there an opening at least 32 inches wide (for a double door, at least one 32-inch leaf)? <small>width</small></p> <p>Is there at least 18 inches of clear (unobstructed) wall space on the pull side of the door, next to the handle? (Fig. 25a, first diagram) <small>clear space</small></p>	<p><input type="checkbox"/> <input type="checkbox"/></p>	<p><input type="checkbox"/> Eliminate as much as possible the need for assistance -- e.g., to answer a doorbell, to operate a lift, or to put down a temporary ramp.</p> <p><input type="checkbox"/> Install signs well before an inaccessible entrance so people do not have to retrace the approach.</p> <p><input type="checkbox"/> Create landing, if possible.</p> <p><input type="checkbox"/> Select another accessible entrance.</p> <p><input type="checkbox"/> Arrange for someone to assist people with disabilities in opening doors at entrance.</p> <p><input type="checkbox"/> Widen the door to 32 inches clear.</p> <p><input type="checkbox"/> If technically infeasible to widen to 32 inches, widen to 31-3/8 inches minimum.</p> <p><input type="checkbox"/> Install offset (swing-clear) hinges.</p> <p><input type="checkbox"/> Remove or relocate any obstructions.</p> <p><input type="checkbox"/> Reposition door so to hinge on opposite side.</p> <p><input type="checkbox"/> Add power-assisted or automatic door opener.</p> <p><input type="checkbox"/> Reverse door swing.</p> <p><input type="checkbox"/> Prop door open/make someone available to open it for people with disabilities on election day.</p>
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Note: A person using a wheelchair or crutches needs this space to have enough clear floor space to move out of the way of the door when opening it.

VOTING ACCESSIBILITY CHECKLIST FOR PRIMARY AND GENERAL ELECTIONS

QUESTIONS	POSSIBLE SOLUTIONS
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<p>Is the clear floor space between two doors in series at least 48 inches, plus the width of any door swinging into the space? (this does not apply to double-leaf doors in series; see Fig. 26)</p>	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%; text-align: center;">Yes</td> <td style="width: 10%; text-align: center;">No</td> <td style="width: 10%; text-align: center;">→</td> <td style="width: 10%; text-align: center;">→</td> <td style="width: 10%; text-align: center;">→</td> <td style="width: 50%;"></td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td></td> <td></td> <td></td> <td style="vertical-align: top; padding: 5px;"> If no, consider making these changes, as needed: <input type="checkbox"/> Reposition/replace doors. </td> </tr> </table>	Yes	No	→	→	→		<input type="checkbox"/>	<input type="checkbox"/>				If no, consider making these changes, as needed: <input type="checkbox"/> Reposition/replace doors.
Yes	No	→	→	→									
<input type="checkbox"/>	<input type="checkbox"/>				If no, consider making these changes, as needed: <input type="checkbox"/> Reposition/replace doors.								
<p>Is the door handle mounted 48 inches or less above the ground/floor?</p>	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%; text-align: center;">Yes</td> <td style="width: 10%; text-align: center;">No</td> <td style="width: 10%; text-align: center;">→</td> <td style="width: 10%; text-align: center;">→</td> <td style="width: 10%; text-align: center;">→</td> <td style="width: 50%;"></td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td></td> <td></td> <td></td> <td style="vertical-align: top; padding: 5px;"> <input type="checkbox"/> Reposition door handles. </td> </tr> </table>	Yes	No	→	→	→		<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Reposition door handles.
Yes	No	→	→	→									
<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Reposition door handles.								
<p>Is the door handle operable with a closed fist? <i>(see illustration A for examples of accessible knobs.)</i></p>	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%; text-align: center;">Yes</td> <td style="width: 10%; text-align: center;">No</td> <td style="width: 10%; text-align: center;">→</td> <td style="width: 10%; text-align: center;">→</td> <td style="width: 10%; text-align: center;">→</td> <td style="width: 50%;"></td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td></td> <td></td> <td></td> <td style="vertical-align: top; padding: 5px;"> <input type="checkbox"/> Replace with a lever or loop handle. <input type="checkbox"/> Retrofit with an add-on lever extension. <input type="checkbox"/> Install power-assisted or automatic door openers. </td> </tr> </table>	Yes	No	→	→	→		<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Replace with a lever or loop handle. <input type="checkbox"/> Retrofit with an add-on lever extension. <input type="checkbox"/> Install power-assisted or automatic door openers.
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<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Replace with a lever or loop handle. <input type="checkbox"/> Retrofit with an add-on lever extension. <input type="checkbox"/> Install power-assisted or automatic door openers.								

Note: The "closed fist" test for handles and controls - Try opening the door or operating the control using only one hand, held in a fist. If you can do it, so can a person who has limited use of his or her hands, if the opening force isn't too great.

<p>Can <u>interior</u> doors be opened using a <u>maximum</u> of 5 lbf? (lbf means foot-pound, which is a unit of force.)</p> <p><i>(There is no specific force requirement for exterior doors, but rather a <u>suggested</u> maximum of 8 lbf.)</i></p>	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%; text-align: center;">Yes</td> <td style="width: 10%; text-align: center;">No</td> <td style="width: 10%; text-align: center;">→</td> <td style="width: 10%; text-align: center;">→</td> <td style="width: 10%; text-align: center;">→</td> <td style="width: 50%;"></td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td></td> <td></td> <td></td> <td style="vertical-align: top; padding: 5px;"> <input type="checkbox"/> Adjust door closers; oil hinges. <input type="checkbox"/> Install lighter doors, power-assisted doors, or automatic door openers. <input type="checkbox"/> Prop door open/make someone available to open it for people with disabilities on election day. </td> </tr> </table>	Yes	No	→	→	→		<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Adjust door closers; oil hinges. <input type="checkbox"/> Install lighter doors, power-assisted doors, or automatic door openers. <input type="checkbox"/> Prop door open/make someone available to open it for people with disabilities on election day.
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<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Adjust door closers; oil hinges. <input type="checkbox"/> Install lighter doors, power-assisted doors, or automatic door openers. <input type="checkbox"/> Prop door open/make someone available to open it for people with disabilities on election day.								

Note: You can use an inexpensive force meter or a fish scale to measure the force required to open a door. Attach the hook end to the doorknob or handle. Pull on the ring end until the door opens, and read off the amount of force required. (You may need to attach a string to the fish hook, tie it to the door knob or handle and then take the measurement.) If you do not have a force meter or a fish scale, you will need to judge subjectively whether the door is easy enough to open.

<p>Is the door has a closer, does it take at least three seconds to close, from an open position of 70 degrees, to within three inches of the door latch?</p> <p style="border: 1px solid black; padding: 2px;"><i>Note: This is not a precise measurement.</i></p>	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%; text-align: center;">Yes</td> <td style="width: 10%; text-align: center;">No</td> <td style="width: 10%; text-align: center;">→</td> <td style="width: 10%; text-align: center;">→</td> <td style="width: 10%; text-align: center;">→</td> <td style="width: 50%;"></td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td></td> <td></td> <td></td> <td style="vertical-align: top; padding: 5px;"> <input type="checkbox"/> Adjust door closer. <input type="checkbox"/> Prop door open/make someone available to open it for people with disabilities on election day. </td> </tr> </table>	Yes	No	→	→	→		<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Adjust door closer. <input type="checkbox"/> Prop door open/make someone available to open it for people with disabilities on election day.
Yes	No	→	→	→									
<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Adjust door closer. <input type="checkbox"/> Prop door open/make someone available to open it for people with disabilities on election day.								
<p>Is the height of unbeveled door thresholds 1/2 inch or less?</p>	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%; text-align: center;">Yes</td> <td style="width: 10%; text-align: center;">No</td> <td style="width: 10%; text-align: center;">→</td> <td style="width: 10%; text-align: center;">→</td> <td style="width: 10%; text-align: center;">→</td> <td style="width: 50%;"></td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td></td> <td></td> <td></td> <td style="vertical-align: top; padding: 5px;"> <input type="checkbox"/> Add bevels to both sides so that slope of each bevel is no greater than 1:2. <input type="checkbox"/> Create temporary ramp with proper slope. </td> </tr> </table>	Yes	No	→	→	→		<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Add bevels to both sides so that slope of each bevel is no greater than 1:2. <input type="checkbox"/> Create temporary ramp with proper slope.
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<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Add bevels to both sides so that slope of each bevel is no greater than 1:2. <input type="checkbox"/> Create temporary ramp with proper slope.								
<p>Is the slope of beveled door thresholds 1 inch or less for every 2 inches of length (1:2)?</p>	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%; text-align: center;">Yes</td> <td style="width: 10%; text-align: center;">No</td> <td style="width: 10%; text-align: center;">→</td> <td style="width: 10%; text-align: center;">→</td> <td style="width: 10%; text-align: center;">→</td> <td style="width: 50%;"></td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td></td> <td></td> <td></td> <td style="vertical-align: top; padding: 5px;"> <input type="checkbox"/> Change bevels to proper slope. <input type="checkbox"/> Create temporary ramp with proper slope. </td> </tr> </table>	Yes	No	→	→	→		<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Change bevels to proper slope. <input type="checkbox"/> Create temporary ramp with proper slope.
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<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Change bevels to proper slope. <input type="checkbox"/> Create temporary ramp with proper slope.								
<p>Regarding any carpeting/mats, is it/are they:</p> <ul style="list-style-type: none"> * low-pile? * tightly woven? * securely attached along the edges? * no thicker than 1/2-inch? 	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%; text-align: center;">Yes</td> <td style="width: 10%; text-align: center;">No</td> <td style="width: 10%; text-align: center;">→</td> <td style="width: 10%; text-align: center;">→</td> <td style="width: 10%; text-align: center;">→</td> <td style="width: 50%;"></td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td></td> <td></td> <td></td> <td style="vertical-align: top; padding: 5px;"> <input type="checkbox"/> Replace carpeting. <input type="checkbox"/> Place plywood over carpet. <input type="checkbox"/> Secure edges on all sides. <input type="checkbox"/> Replace or remove mats. </td> </tr> </table>	Yes	No	→	→	→		<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Replace carpeting. <input type="checkbox"/> Place plywood over carpet. <input type="checkbox"/> Secure edges on all sides. <input type="checkbox"/> Replace or remove mats.
Yes	No	→	→	→									
<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Replace carpeting. <input type="checkbox"/> Place plywood over carpet. <input type="checkbox"/> Secure edges on all sides. <input type="checkbox"/> Replace or remove mats.								

VOTING ACCESSIBILITY CHECKLIST FOR PRIMARY AND GENERAL ELECTIONS

QUESTIONS	POSSIBLE SOLUTIONS
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2 GETTING AROUND IN THE BUILDING

Yes No → → → If no, consider making these changes, as needed:

Ideally, the building layout should allow people with disabilities to have access to the voting area without assistance.

A Moving around on the same floor (to get to the voting area) {Horizontal Circulation - ADAAG 4.3}

<p>Does the accessible entrance provide direct access to the voting area?</p>	<input type="checkbox"/> <input type="checkbox"/>	<p><input type="checkbox"/> Make another entrance accessible.</p>												
<p>If not, is there an accessible route of travel from the entrance to the voting area without any stairs, steps or curbs?</p>	<input type="checkbox"/> <input type="checkbox"/>	<p><input type="checkbox"/> Add a ramp or lift. <input type="checkbox"/> Provide an alternate route that is accessible.</p>												
<p>If there is carpeting or mats along this route, is it: * low-pile? * tightly woven? * securely attached along the edges? * no thicker than 1/2-inch?</p>	<table border="1" style="margin: auto;"> <tr><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td></tr> <tr><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td></tr> <tr><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td></tr> <tr><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td></tr> <tr><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td></tr> <tr><td colspan="2" style="text-align: center; font-size: small;">thickness</td></tr> </table>											thickness		<p><input type="checkbox"/> Replace carpeting. <input type="checkbox"/> Place plywood over carpet to improve access. <input type="checkbox"/> Secure edges on all sides. <input type="checkbox"/> Replace or remove mats.</p>
thickness														
<p>Is this route stable, firm and slip-resistant?</p>	<input type="checkbox"/> <input type="checkbox"/>	<p><input type="checkbox"/> Repair uneven surface. <input type="checkbox"/> Fill small bumps and breaks. <input type="checkbox"/> Put plywood down over route.</p>												
<p>Is this route at least 36 inches wide?</p>	<table border="1" style="margin: auto;"> <tr><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td></tr> <tr><td colspan="2" style="text-align: center; font-size: small;">width</td></tr> </table>			width		<p><input type="checkbox"/> Move any objects that restrict the width of the route in order to provide a 36-inch route. <input type="checkbox"/> Provide an alternate route that is 36 inches wide.</p>								
width														
<p>Is this route free of any objects that protrude into it more than four inches?</p>	<table border="1" style="margin: auto;"> <tr><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td></tr> <tr><td colspan="2" style="text-align: center; font-size: small;">distance</td></tr> </table>			distance		<p><input type="checkbox"/> Move or remove protruding objects.</p>								
distance														
<p>If the answer above is no, then: * Is the highest point of any such object less than 27 inches above the floor or ground?</p>	<table border="1" style="margin: auto;"> <tr><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td></tr> <tr><td colspan="2" style="text-align: center; font-size: small;">height</td></tr> </table>			height		<p><input type="checkbox"/> Move or remove protruding objects. <input type="checkbox"/> Add a cane-detectable base to the object that extends to within 27 inches of the ground. <input type="checkbox"/> Place a cane-detectable object on the ground underneath as a warning barrier.</p>								
height														
<p>* Is the lowest point of any such object more than 80 inches above the floor or ground?</p>	<table border="1" style="margin: auto;"> <tr><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td></tr> <tr><td colspan="2" style="text-align: center; font-size: small;">height</td></tr> </table>			height		<p><input type="checkbox"/> Move object so it is out of the accessible route.</p>								
height														
<p>Do all walks, halls, corridors, passageways, aisles or other circulation spaces have a minimum of 80 inches clear head room?</p>	<table border="1" style="margin: auto;"> <tr><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td></tr> <tr><td colspan="2" style="text-align: center; font-size: small;">height</td></tr> </table>			height		<p><input type="checkbox"/> Move obstacles to provide clear head room.</p>								
height														
<p>Is there a 5-foot circle or a T-shaped space for a person using a wheelchair to turn around in? (see Fig. 3)</p>	<table border="1" style="margin: auto;"> <tr><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td></tr> <tr><td colspan="2" style="text-align: center; font-size: small;">width</td></tr> </table>			width		<p><input type="checkbox"/> Rearrange furnishings, displays, and equipment.</p>								
width														

VOTING ACCESSIBILITY CHECKLIST FOR PRIMARY AND GENERAL ELECTIONS

QUESTIONS	POSSIBLE SOLUTIONS
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Doors (ADAAG 4.13)

(Interior doors on an interior accessible route)

With doors fully open, is there an opening at least 32 inches wide (for a double door, at least one 32-inch leaf)?

Yes No → → →



- If no, consider making these changes, as needed:
- Widen the door to 32 inches clear.
 - If technically infeasible to widen to 32 inches, widen to 31-3/8 inches minimum.
 - Install offset (swing-clear) hinges.

Is there at least 18 inches of clear (unobstructed) wall space on the pull side of the door, next to the handle? (Fig. 25a, first diagram)



- Remove or relocate any obstructions.
- Reposition door so it hinged on opposite side.
- Add power-assisted or automatic door opener.
- Reverse door swing.
- Prop door open/make someone available to open it for people with disabilities on election day.

If there are two doors in series, is the clear floor space between them at least 48 inches, plus the width of any door swinging into the space? (does not apply to double-leaf doors; see Fig. 26)



- Reposition/replace doors.

Is the door handle mounted 48 inches or less above the ground/floor?



- Reposition door handles.

Is the door handle operable with a closed fist?



- Replace with a lever or loop handle.
- Retrofit with an add-on lever extension.
- Install power-assisted or automatic door openers.
- Prop door open/make someone available to open it for people with disabilities on election day.

Can the doors be opened with a maximum of 5 lbf?



- Adjust door closers; oil hinges.
- Install lighter doors, power-assisted doors, or automatic door openers.
- Prop door open/make someone available to open it for people with disabilities on election day.

If the door has a closer, does it take at least three seconds to close, from an open position of 70 degrees, to within three inches of the door latch?



- Adjust door closer.
- Prop door open/make someone available to open it for people with disabilities on election day.

Is the height of unbeveled door thresholds 1/2 inch or less?



- Add bevels to both sides so that slope of each bevel is no greater than 1:2.
- Put down temporary ramps of proper slope.

Is the slope of beveled door thresholds 1 inch or less for every 2 inches of length (1:2)?



- Change bevels to proper slope.
- Put down temporary ramps of proper slope.

Signage (ADAAG 4.30)

All signs designating permanent rooms and spaces, relevant to getting to the voting area, must comply with the following requirements:

**VOTING ACCESSIBILITY CHECKLIST
FOR PRIMARY AND GENERAL ELECTIONS**

QUESTIONS	POSSIBLE SOLUTIONS
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<p>Are all such signs mounted with the center of the sign 60 inches above the floor?</p>	<table border="1" style="margin: auto; border-collapse: collapse;"> <tr> <td style="padding: 2px;">Yes</td> <td style="padding: 2px;">No</td> </tr> <tr> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> </tr> </table> <p style="text-align: center; font-size: small;">height</p>	Yes	No			<p>→ → →</p>	<p>If no, consider making these changes, as needed: <input type="checkbox"/> Relocate signs.</p>
Yes	No						
<p>Are all such signs mounted on wall next to the latch side of door or as close as possible to this spot?</p>	<table border="1" style="margin: auto; border-collapse: collapse;"> <tr> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> </tr> </table>			<p><input type="checkbox"/> Relocate signs.</p>			
<p>Do all such signs have raised characters (between 5/8 and 2 inches high with high contrast) for exits, room numbers, etc.?</p>	<table border="1" style="margin: auto; border-collapse: collapse;"> <tr> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> </tr> </table> <p style="text-align: center; font-size: small;">character height</p>			<p><input type="checkbox"/> Provide raised characters.</p>			
<p>Do all such signs have Braille text (between 5/8 and 2 inches high) for exits, room numbers, etc.?</p>	<table border="1" style="margin: auto; border-collapse: collapse;"> <tr> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> </tr> </table>			<p><input type="checkbox"/> Provide Braille text.</p>			
<p>Are any pictogram accompanied by Braille and raised characters?</p>	<table border="1" style="margin: auto; border-collapse: collapse;"> <tr> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> </tr> </table>			<p><input type="checkbox"/> Provide raised characters and Braille.</p>			
<p>Directional and Informational Signage (ADAAG 4.30)</p> <div style="border: 1px solid black; padding: 2px; font-size: small;"> Note: Building directories and temporary signs need not comply. </div>							
<p>If suspended more than 80 inches above the floor, do they have letters at least 3 inches high, with high contrast and non-glare finish?</p>	<table border="1" style="margin: auto; border-collapse: collapse;"> <tr> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> </tr> </table> <p style="text-align: center; font-size: small;">letter height</p>			<p><input type="checkbox"/> Review requirements and replace signs as needed, meeting the requirements for character size, contrast, and finish.</p>			
<p>2 Moving Between Floors (to get to the voting area) <i>Vertical Circulation (ADAAG 4.1.3(5), 4.3)</i></p>							
<p>Are there stairs, ramps, elevators or lifts from the entry floor to all floors where voting is conducted?</p>	<table border="1" style="margin: auto; border-collapse: collapse;"> <tr> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> </tr> </table>			<p><input type="checkbox"/> See items below related to stairs, ramps, elevators and lifts. <input type="checkbox"/> Relocate voting area to an accessible area.</p>			
<p>On each level, if there are stairs between the entrance and/or elevator and voting area, is there an accessible alternate route?</p>	<table border="1" style="margin: auto; border-collapse: collapse;"> <tr> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> </tr> </table>			<p><input type="checkbox"/> Post clear signs directing people along an accessible route to ramps, lifts, or elevators.</p>			
<p>Does each handrail extend, parallel to the ground, at least 12 inches beyond the top and bottom ramp segments?</p>	<table border="1" style="margin: auto; border-collapse: collapse;"> <tr> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> </tr> </table>			<p><input type="checkbox"/> Reposition/replace handrails.</p>			
<p>Are railings sturdy and mounted between 34 and 38 inches above the ramp surface throughout?</p>	<table border="1" style="margin: auto; border-collapse: collapse;"> <tr> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> </tr> </table> <p style="text-align: center; font-size: small;">height</p>			<p><input type="checkbox"/> Adjust height of railing. <input type="checkbox"/> Secure handrails in fixtures.</p>			
<p>Is handrail diameter between 1-1/4" and 1-1/2"?</p>	<table border="1" style="margin: auto; border-collapse: collapse;"> <tr> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> </tr> </table> <p style="text-align: center; font-size: small;">diameter</p>			<p><input type="checkbox"/> Replace handrails.</p>			
<p>Is there 1-1/2 inches of clear space between each handrail and the mounting wall (or an adjacent wall, if not wall-mounted)?</p>	<table border="1" style="margin: auto; border-collapse: collapse;"> <tr> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> </tr> </table> <p style="text-align: center; font-size: small;">clear space</p>			<p><input type="checkbox"/> Reposition/replace handrails.</p>			

VOTING ACCESSIBILITY CHECKLIST
FOR PRIMARY AND GENERAL ELECTIONS

QUESTIONS	POSSIBLE SOLUTIONS
------------------	---------------------------

	Yes	No	→	→	→	
Are handrail ends rounded? **OR**	<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> If no, consider making these changes, as needed: Replace handrails.
Do they return to the wall, floor or a post?	<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Replace handrails.
Is the inside handrail of a switchback continuous?	<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Reposition/replace handrails. <input type="checkbox"/> Extend handrails beyond the end of the stairs at both the bottom and the top of the stairs.
<i>Elevators (ADAAG 4.10)</i>						
Are there both visible and verbal or audible door opening/closing and floor indicators (one tone = up, two tones = down)?	<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Install visible and verbal or audible signals.
Are the hallway call buttons located no higher than 42 inches above the floor?	<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Lower call buttons. <input type="checkbox"/> Provide a reach stick, permanently attached to the wall near the call button.
Does each call button have both raised lettering and Braille located next to them?	<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Install raised lettering and Braille next to call buttons.
Do the controls inside the elevator cab have both raised and Braille lettering next to them?	<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Install raised lettering and Braille in the elevator cab, adjacent to the floor buttons.
Are elevator controls located between 15 and 48 inches above the floor (up to 54 inches, if side approach is possible)?	<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Move controls to within the reach range. <input type="checkbox"/> Provide a reach stick, permanently attached to the elevator wall near the controls.
Is there a sign on both door jambs at each floor identifying the floor in raised and Braille letters?	<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Install tactile signs to identify floor numbers in Braille and raised lettering, 60" above the floor.
If an emergency intercom is provided, is it: * usable without voice communication? * identified by Braille and raised letters?	<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Modify communication system. <input type="checkbox"/> Add tactile identification.
<i>Lifts (ADAAG 4.2, 4.11)</i>						
Can the lift be used without assistance?	<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Provide and monitor a call button. <input type="checkbox"/> Assign someone to operate the lift for people with disabilities on voting day.
Is there at least 30 by 48 inches of clear space for approach by a person in a wheelchair in order to reach the controls and operate the lift?	<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Rearrange objects to provide required clear floor space.
Are lift controls located between 15 and 48 inches above the floor (up to 54 inches, if side approach is possible)?	<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Move controls to within the reach range. <input type="checkbox"/> Provide a reach stick, permanently attached to the lift wall near the controls.
Are all lift controls operable with one hand, without tight grasping, pinching or twisting of the wrist?	<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Provide alternate method of operating lift independently. <input type="checkbox"/> Provide someone to operate lift for people with disabilities on election day.

VOTING ACCESSIBILITY CHECKLIST
FOR PRIMARY AND GENERAL ELECTIONS

QUESTIONS	POSSIBLE SOLUTIONS
------------------	---------------------------

Rooms and Spaces (ADAAG 4.2, 4.4, 4.5)
Access to Voting Area/Machines
[Seafs, Tables, Counters (ADAAG 4.2, 4.32, 7.2)]

(These will be addressed by local election officials when voting areas are set up, prior to election day.)

This Voting Accessibility Checklist has been completed by at least one of the individuals who signed below. This checklist is a review of whether a citizen with a disability can access the voting process in their precinct by having a way to (1) enter the polling site, and (2) get to the voting location once inside the building.

This checklist is not intended to imply, in any manner, official compliance with the Americans with Disabilities Act Accessibility Guidelines (ADAAG). This voting accessibility checklist is designed to assist the Kansas Secretary of State's Office with access to the voting process statewide for people with disabilities, in accordance with the Help Americans Vote Act (HAVA).

Owners of buildings that serve as a voting location in their county should be advised that completion of this checklist does not in any way abrogate their responsibility and/or liability for compliance with the Americans with Disabilities Act (ADA).

Polling location: _____

Address: _____

Ward/Precinct/Township: _____

County: _____

County Election Office Rep. signature: _____

Please print name: _____

Title: _____

Date: _____

Community Review Rep. signature: _____

Please print name: _____

Disability Organization: _____

Date: _____

Return this page only to the Secretary of State's office upon completion of the checklist.

Voting Accessibility Checklist Glossary

Access aisle - As used in this checklist, an area between accessible parking spaces provided so that a person with mobility impairments - who may or may not require the use of either a wheelchair, crutches or scooter - has adequate room to enter and exit their automobile. An access aisle will connect to an accessible route to provide an unobstructed path from the parking area to the accessible entrance of the voting location.

Accessible route - A continuous unobstructed path connecting all accessible elements and spaces of a building or facility. Interior accessible routes may include corridors, floors, ramps, elevators, lifts and clear floor space at fixtures. Exterior accessible routes may include parking access aisles, curb ramps, crosswalks at vehicular ways, walks, ramps, and lifts.

Clear floor space (30x48") - The minimum unobstructed floor or ground space required to accommodate a standard-sized single, stationary wheelchair and occupant.

Curb ramp - A short ramp either cutting through a curb or built up to it.

Ramp - A walking surface with a running slope (slope parallel to the direction of travel) greater than 1:20.

Knee Space - Clear (unobstructed) space under a table, desk or other fixed or built-in seating that allows a person using a wheelchair the room to roll their wheelchair under the countertop and have adequate room for his/her knees to clear the underside of the countertop.

Operable with a closed fist - Handles, pulls, latches, locks and other operating devices on accessible doors are required to have a shape that is easy to grasp with one hand and does not require tight grasping, tight pinching or twisting of the wrists to open. Lever-operated mechanisms, push-type mechanisms and U-shaped handles are acceptable (see illustration A).

Vertical clearance - An area above the floor or ground clear of any overhangs or other protrusions. This allows a person the necessary space to walk on an accessible route without running into something hanging too low over their head.

Slip resistant - A surface that is not susceptible to slippage when a person walks on it.

Slip resistance is based on the frictional force necessary to keep a shoe heel or crutch tip from slipping on a walking surface under conditions likely to be found on the surface. The static coefficient of friction, which can be measured in several ways, provides a close approximation of the slip resistance of a surface.

A research project sponsored by the Architectural and Transportation Barriers Compliance Board (Access Board) conducted tests with persons with disabilities and concluded that a static coefficient of friction of 0.6 is recommended for accessible routes and 0.8 for ramps.

Flared edges on curb cuts - (Webster -- to expand or open outward in shape.) A curb cut can have flared edges, which is when the edges of the cut (ramp) "flare" outward. The nonflared portion of the ramp or cut is considered as part of the accessible route and must be a minimum of 36 inches wide.

Threshold -- That part of a door entry way that extends upwards from the floor into the accessible route.

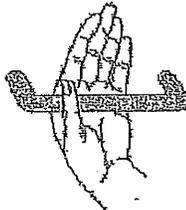
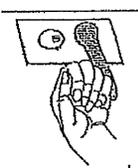
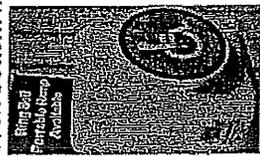
Beveled edges - (Webster: Beveled -- To cut an inclination that forms an angle other than a right angle. Bevel -- The angle or inclination of a surface or line that meets another at any angle but 90 degrees.)

Polling Place Door Hardware Evaluation Tool

Please Indicate which door handle is most similar to the door on your polling location by checking the box below.

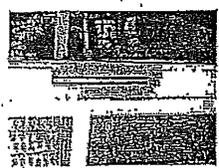
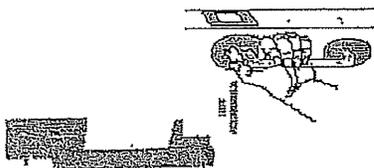
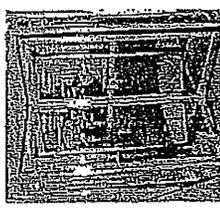
Accessible Door Handles

(must also be mounted at 48" or lower – if too high, mark box on bottom right)

						<div style="border: 1px solid black; padding: 5px;">Not Shown But Accessible. Doesn't require tight grasp, complex hand movements, or great force</div>
---	---	---	--	---	---	---

Oversized Loop	Alternate Loop	Lever	Cross-Bar (push in)	Automated	Alternative Access (bell, intercom etc.)	Other
----------------	----------------	-------	---------------------	-----------	--	-------

Inaccessible Door Handles

					<div style="border: 1px solid black; padding: 5px;">Not Shown But Inaccessible. Door requires tight grasp, complex hand movements, or great force</div>	<div style="border: 1px solid black; padding: 5px;">Door hardware located more than 48" from floor</div>
--	--	--	---	--	---	--

Door Knob	Panel-Style	Inner Panel	Thumb Latch	Revolving	Other	High Handle
-----------	-------------	-------------	-------------	-----------	-------	-------------

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Inclusion Solutions 866-232-5487

4.3 Accessible Route

that are part of an accessible route shall comply with 4.3.

4.3.2 Location.

(1) At least one accessible route *within the boundary of the site* shall be provided from public transportation stops, accessible parking, and accessible passenger loading zones, and public streets or sidewalks to the accessible building entrance they serve. *The accessible route shall, to the maximum extent feasible, coincide with the route for the general public.*

(2) At least one accessible route shall connect accessible buildings, facilities, elements, and spaces that are on the same site.

(3) At least one accessible route shall connect accessible building or facility entrances with all accessible spaces and elements and with all accessible dwelling units within the building or facility.

(4) An accessible route shall connect at least one accessible entrance of each accessible

dwelling unit with those exterior and interior spaces and facilities that serve the accessible dwelling unit.

4.3.3 Width. The minimum clear width of an accessible route shall be 36 in (915 mm) except at doors (see 4.13.5 and 4.13.6). If a person in a wheelchair must make a turn around an obstruction, the minimum clear width of the accessible route shall be as shown in Fig. 7(a) and (b).

4.3.4 Passing Space. If an accessible route has less than 60 in (1525 mm) clear width, then passing spaces at least 60 in by 60 in (1525 mm by 1525 mm) shall be located at reasonable intervals not to exceed 200 ft (61 m). A T-intersection of two corridors or walks is an acceptable passing place.

4.3.5 Head Room. Accessible routes shall comply with 4.4.2.

4.3.6 Surface Textures. The surface of an accessible route shall comply with 4.5.

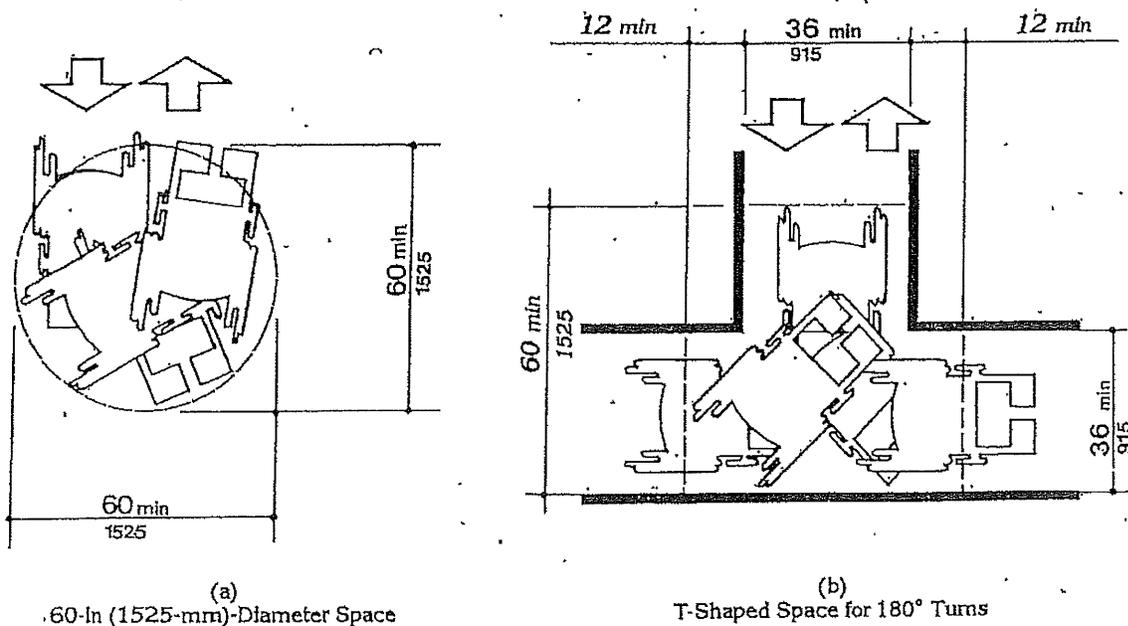
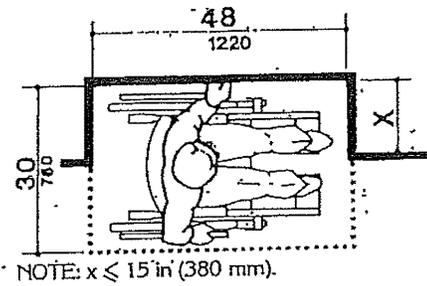
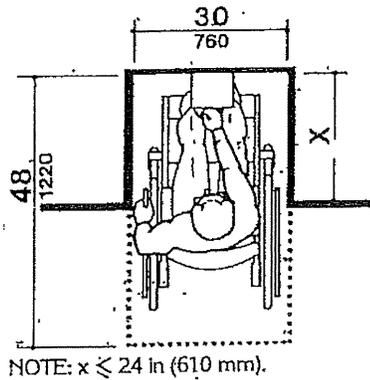
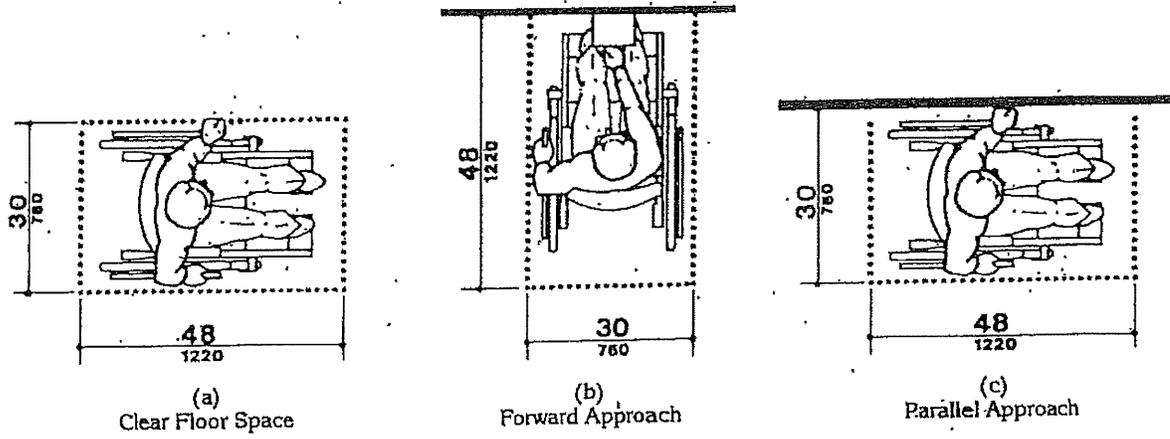
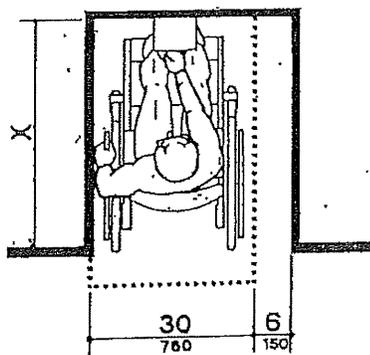


Fig. 3.
Wheelchair Turning Space

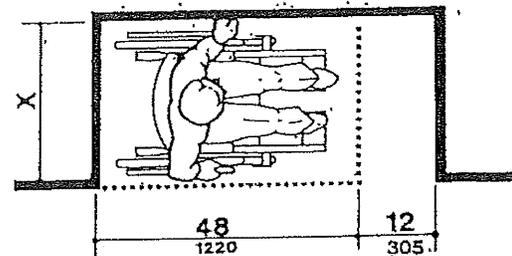
4.3 Accessible Route



(d) Clear Floor Space in Alcoves



NOTE: If $x > 24$ in (610 mm), then an additional maneuvering clearance of 6 in (150 mm) shall be provided as shown.

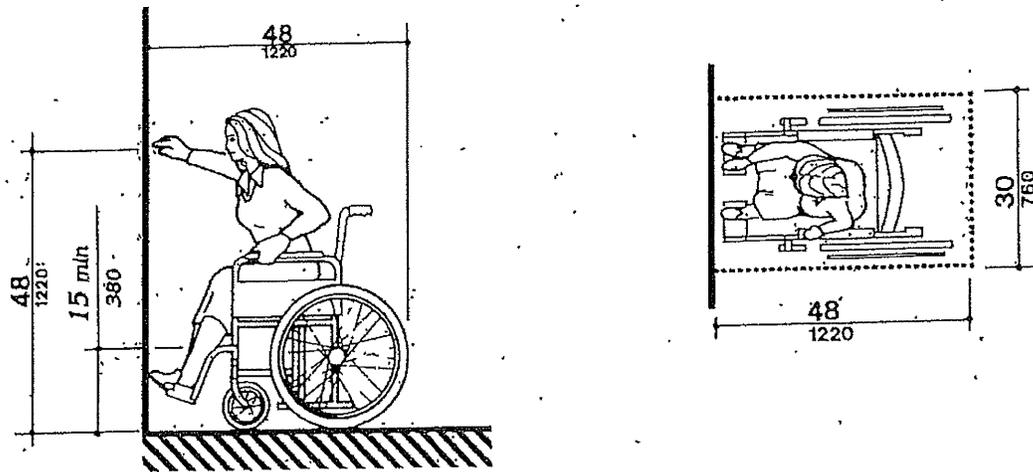


NOTE: If $x > 15$ in (380 mm), then an additional maneuvering clearance of 12 in (305 mm) shall be provided as shown.

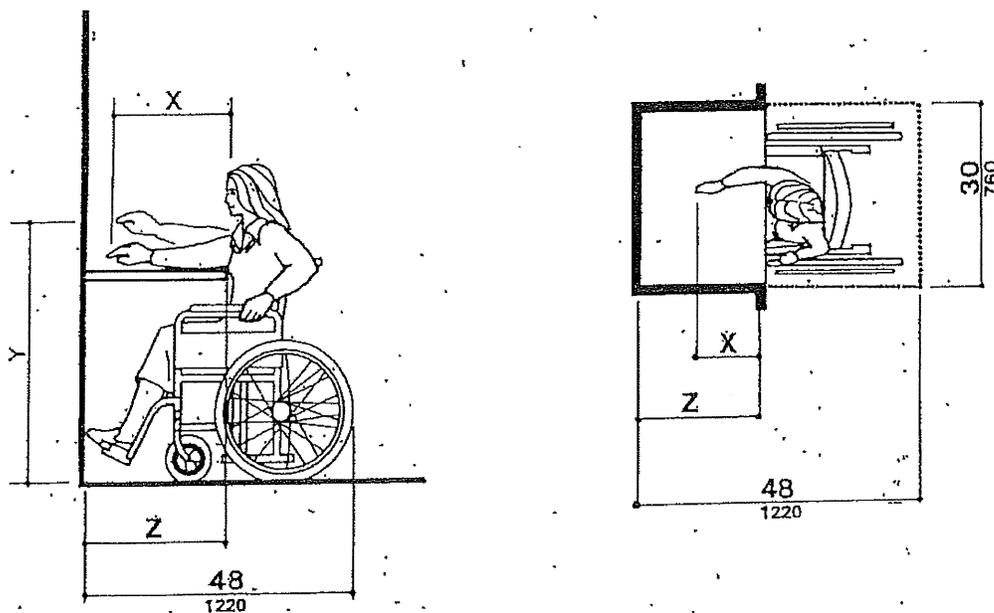
(e) Additional Maneuvering Clearances for Alcoves

Fig. 4
Minimum Clear Floor Space for Wheelchairs

4.3 Accessible Route



(a)
High Forward Reach Limit

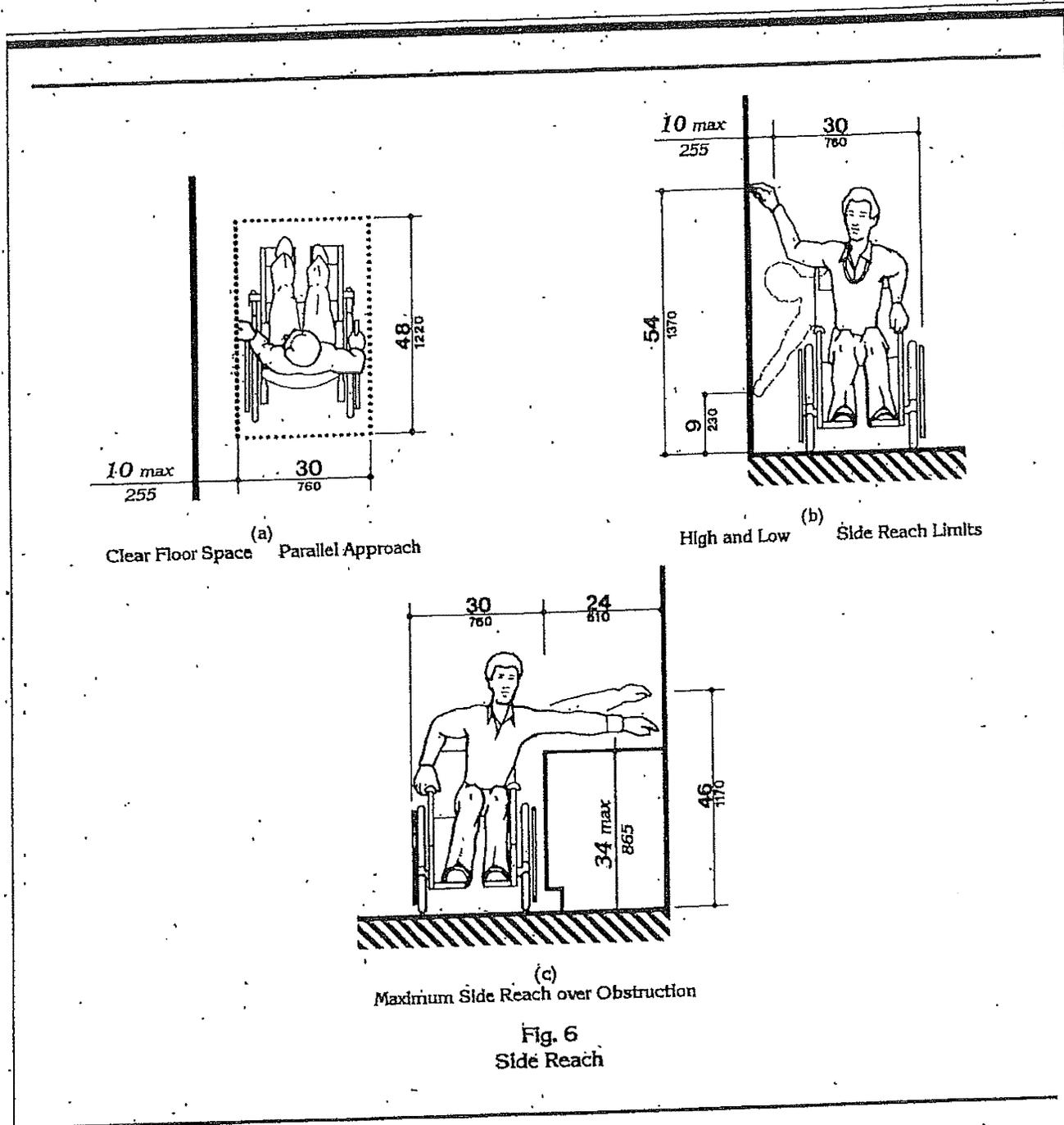


NOTE: x shall be ≤ 25 in (635 mm); z shall be $\geq x$. When $x < 20$ in (510 mm), then y shall be 48 in (1220 mm) maximum. When x is 20 to 25 in (510 to 635 mm), then y shall be 44 in (1120 mm) maximum.

(b)
Maximum Forward Reach over an Obstruction

Fig. 5
Forward Reach

4.3.7 Slope



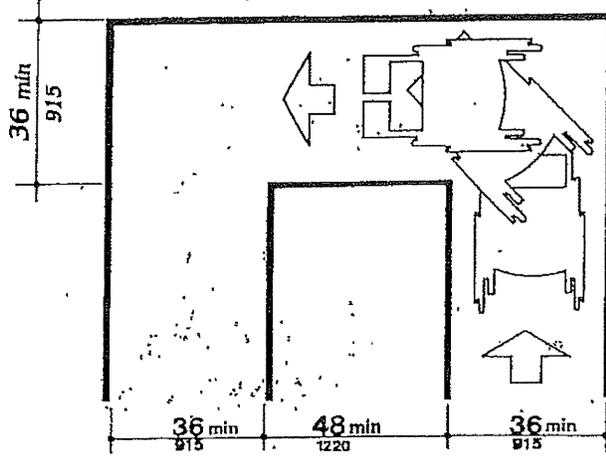
4.3.7 Slope. An accessible route with a running slope greater than 1:20 is a ramp and shall comply with 4.8. Nowhere shall the cross slope of an accessible route exceed 1:50.

4.3.8 Changes in Levels. Changes in levels along an accessible route shall comply with 4.5.2. If an accessible route has changes in level greater than 1/2 in (13 mm), then a curb

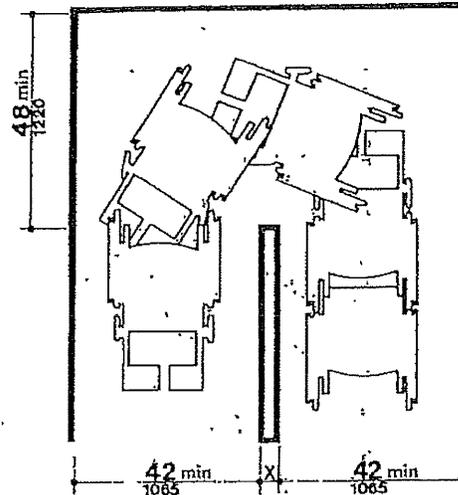
ramp, ramp, elevator, or platform lift (as permitted in 4.1.3 and 4.1.6) shall be provided that complies with 4.7, 4.8, 4.10, or 4.11, respectively. An accessible route does not include stairs, steps, or escalators. See definition of "egress, means of" in 3.5.

4.3.9 Doors. Doors along an accessible route shall comply with 4.13.

4.3.10* Egress

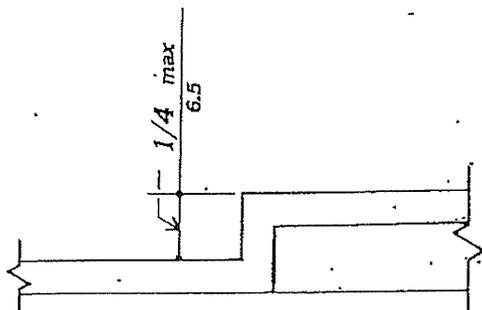


(a)
90° Turn

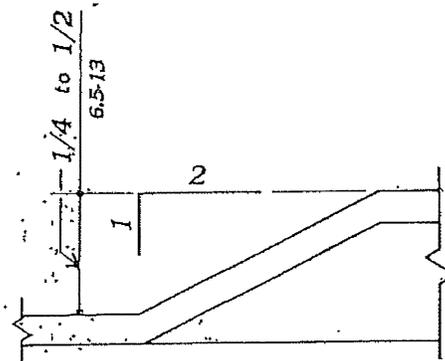


NOTE: Dimensions shown apply when $x < 48$ in (1220 mm).

(b)
Turns around an Obstruction



(c)
Changes in level



(d)
Changes in level

Fig. 7
Accessible Route

4.3.10* Egress. Accessible routes serving any accessible space or element shall also serve as a means of egress for emergencies or connect to an accessible area of rescue assistance.

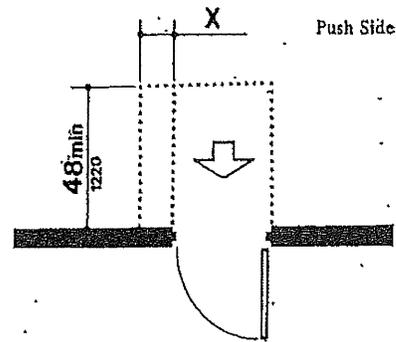
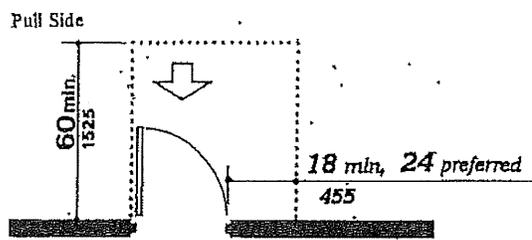
4.3.11 Areas of Rescue Assistance.

4.3.11.1 Location and Construction. An area of rescue assistance shall be one of the following:

(1) A portion of a stairway landing within a smokeproof enclosure (complying with local requirements).

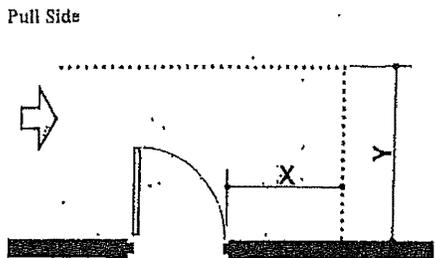
(2) A portion of an exterior exit balcony located immediately adjacent to an exit stairway when the balcony complies with local requirements for exterior exit balconies. Openings to the interior of the building located within 20 feet (6 m) of the

4.13 Doors

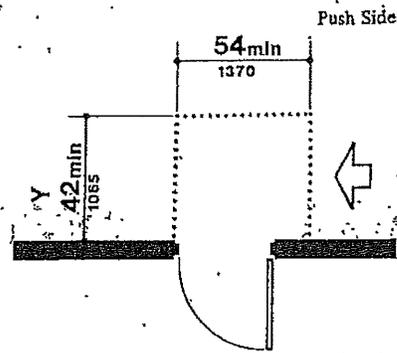


NOTE: $x = 12$ in (305 mm) if door has both a closer and latch.

(a)
Front Approaches — Swinging Doors

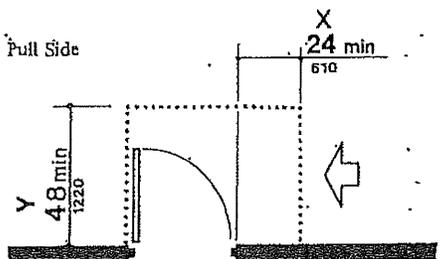


NOTE: $x = 36$ in (915 mm) minimum if $y = 60$ in (1525 mm); $x = 42$ in (1065 mm) minimum if $y = 54$ in (1370 mm).

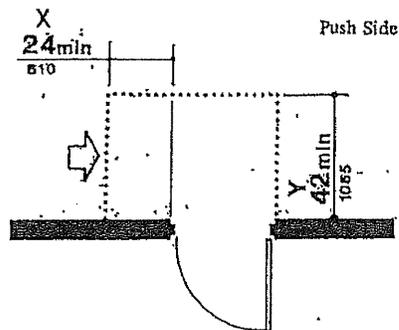


NOTE: $y = 48$ in (1220 mm) minimum if door has both a latch and closer.

(b)
Hinge Side Approaches — Swinging Doors



NOTE: $y = 54$ in (1370 mm) minimum if door has closer.



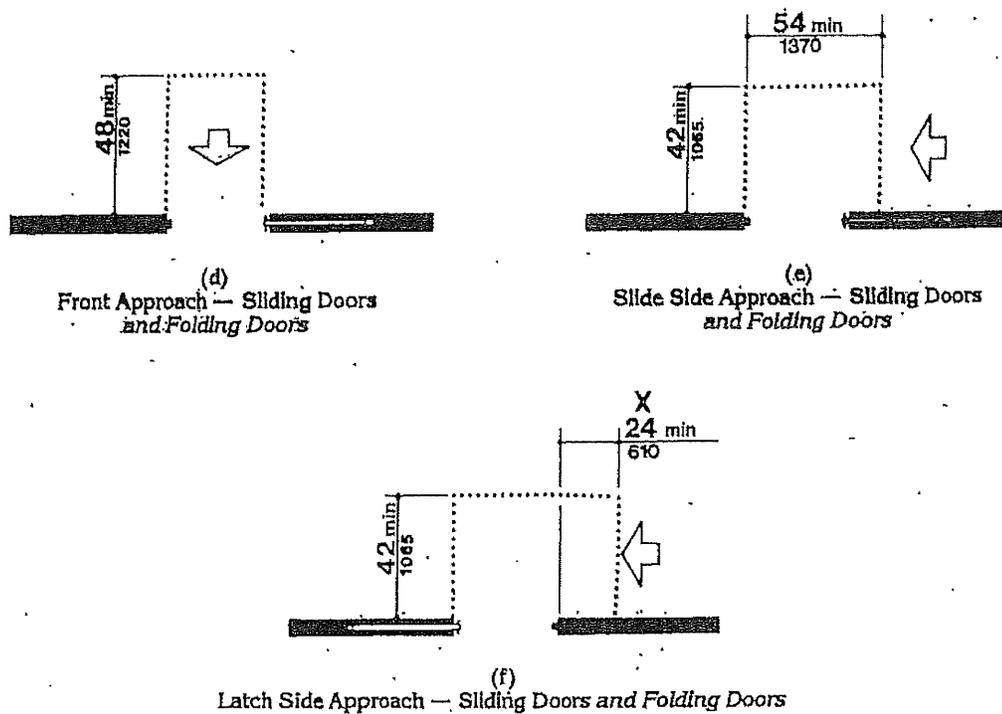
NOTE: $y = 48$ in (1220 mm) minimum if door has closer.

(c)
Latch Side Approaches — Swinging Doors

NOTE: All doors in alcoves shall comply with the clearances for front approaches.

Fig. 25
Maneuvering Clearances at Doors

4.13 Doors



NOTE: All doors in alcoves shall comply with the clearances for front approaches.

Fig. 25
Maneuvering Clearances at Doors (Continued)

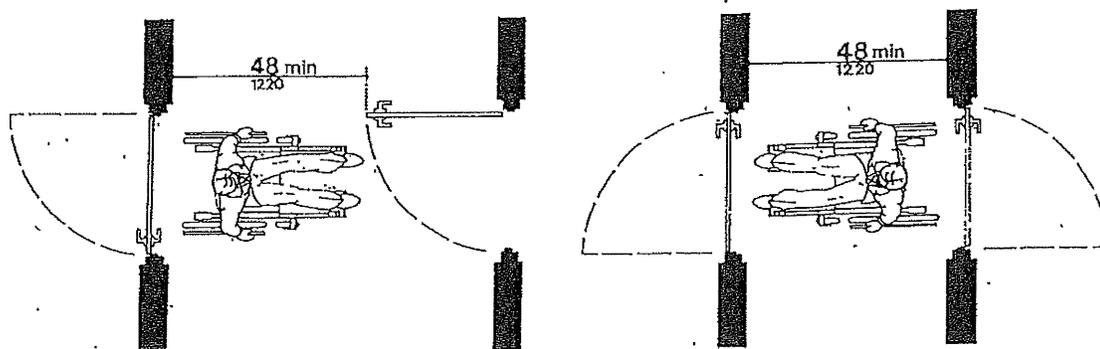


Fig. 26
Two Hinged Doors in Series

U.S. Department of Justice

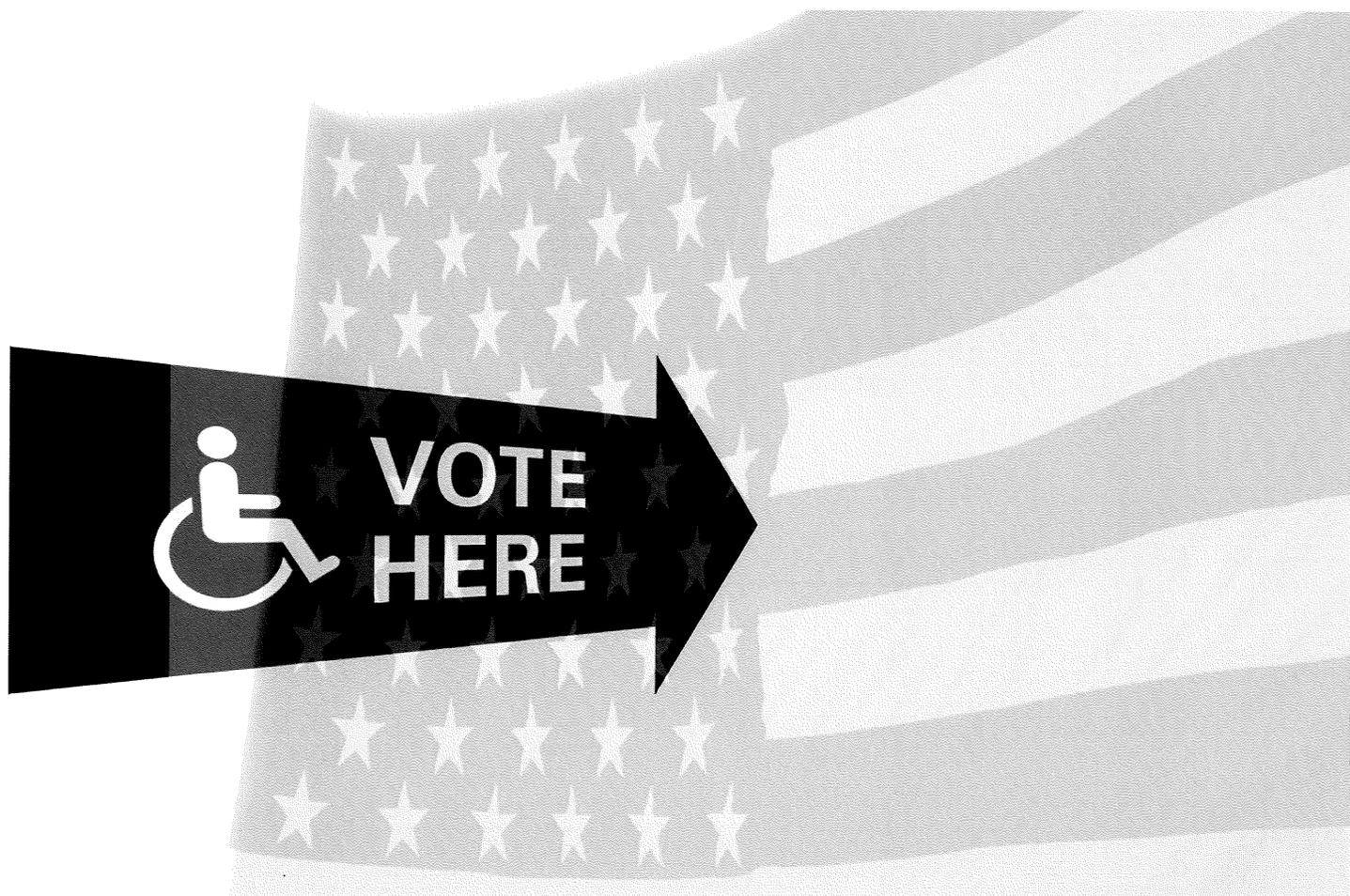
Civil Rights Division

Disability Rights Section



Americans with Disabilities Act

ADA CHECKLIST FOR POLLING PLACES



June 2016

Part 1 discusses polling place accessibility with a focus on the areas of a facility that may be used as a polling place on Election Day.

Part 2 includes a list of the tools election officials will need in order to use the Checklist, some helpful tips on taking measurements and photographs, and a useful list of the most common tools for temporary remedies and the circumstances in which they may be used.

Part 3 is the 2016 Checklist.

Disclaimer

The ADA authorizes the Department of Justice to provide technical assistance to individuals and entities that have rights or responsibilities under the Act. This document provides informal guidance to assist you in understanding the ADA and the Department's regulation. However, this technical assistance does not constitute a legal interpretation of the statute. It is intended to be used as a guide for assessing the accessibility of the portions of facilities to be selected for use as polling places on Election Day.

Reproduction of this document is encouraged. Additional copies of this publication may be obtained, viewed or downloaded from the technical assistance section of the ADA Website (www.ada.gov) or by calling the ADA Information Line at 800-514-0301 (voice), 800-514-0383 (TTY).

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POLLING PLACE ACCESSIBILITY IS REQUIRED BY THE AMERICANS WITH DISABILITIES ACT

The Americans with Disabilities Act (ADA) is a federal civil rights law that provides protections to people with disabilities to ensure that they are treated equally in all aspects of life. Title II of the ADA requires state and local governments (“public entities”) to ensure that people with disabilities have a full and equal opportunity to vote. The ADA’s provisions apply to all aspects of voting, including polling places (or vote centers). Voting at one’s polling place allows voters the chance to interact with neighbors and candidates who talk with voters outside the polling place, and to ask questions of or receive assistance from trained poll workers inside the polling place. Simply put, voting in person at a local polling place is the quintessential American voting experience.

In communities large and small, people cast their ballots in a variety of facilities that temporarily serve as polling places, such as libraries, schools, and fire stations, or churches, stores, and other private buildings. Voters include people with a variety of disabilities, such as those who use wheelchairs, scooters, or other devices, those who have difficulty walking or using stairs, or those who are blind or have vision loss. They are people, young and old, who have come to their polling place to exercise their right to vote. Many public entities report that their polling places are accessible. However, the Government Accountability Office estimates that only 27% of polling places were accessible to people with disabilities in the 2008 elections.¹ This means that 73% of the polling places used in 2008 had architectural barriers that made it difficult or even impossible for people with disabilities to enter their polling place and vote side by side with their neighbors.

People with disabilities must have the opportunity to be full participants in an integrated civic event. The ADA requires that public entities ensure that people with disabilities can access and use all of their voting facilities. Because

a mix of public and private facilities are used as polling places, public entities may ensure Election Day accessibility of a polling place by using low-cost temporary measures, such as portable ramps or door stops, rather than necessarily making permanent modifications to a facility. If temporary measures will not fix a barrier, and public entities are unable to make a permanent modification to fix the barrier, then the public entity must look for an alternative, accessible polling place. In some circumstances, when a public entity is unable to identify or create an accessible polling place for a particular voting precinct or ward, election administrators may instead use an alternative method of voting at the polling place.² Public entities are encouraged to make permanent modifications to their facilities used as polling places, such as



A voter with a disability casting his ballot

schools, community centers, and town halls. The use of temporary measures to provide access to polling places on Election Day does not change a public entity’s obligations under the ADA to ensure that its programs and services are accessible to people with disabilities, nor does it mean that a temporary remedy would be appropriate in a public facility on an every-day basis.

REQUIREMENTS FOR ACCESSIBILITY

The ADA's regulations and the ADA Standards for Accessible Design set out what makes a facility accessible and should be used to determine the accessibility of any facility being considered for use as a polling place. This publication, the ADA Checklist for Polling Places (2016 Checklist), provides guidance to election officials for determining whether a polling place already has the basic accessibility features needed by most voters with disabilities or can be made accessible on Election Day using temporary solutions to remove barriers. The updated Checklist includes provisions from the 2010 ADA Standards for Accessible Design ("2010 Standards").³ Any alterations made to a polling place must comply with the 2010 Standards.

Other Justice Department Publications

In addition to the 2016 Checklist, election officials should consult the Department's 7-page publication on the rights of voters with disabilities, *The Americans with Disabilities Act and Other Federal Laws Protecting the Rights of Voters with Disabilities*.

Another Justice Department publication, *Solutions for Five Common ADA Access Problems at Polling Places*, illustrates suggested temporary solutions for several common accessibility problems found at polling places.

This 2016 Checklist and other Justice Department publications, as well as the title II regulation and the 2010 Standards are available at www.ada.gov.

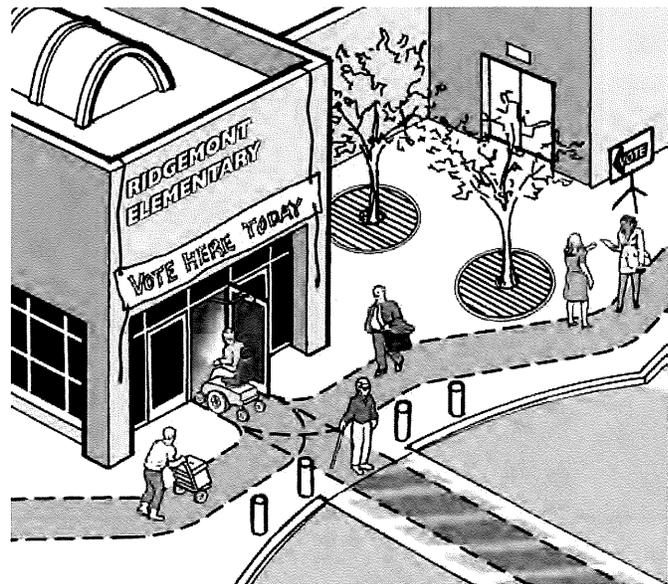
¹U.S. Government Accountability Office Report: Voters with Disabilities; Additional Monitoring of Polling Places Could Further Improve Accessibility; September 2009.

²See U.S. Department of Justice Technical Assistance: "The Americans with Disabilities Act and Other Federal Laws Protecting the Rights of Voters with Disabilities," (September 2014), available at www.ada.gov.

³The requirements that new construction and alterations comply with the 2010 Standards went into effect on March 15, 2012. Facilities that were built or altered before that date, and that complied with the 1991 Standards, need not be modified

Part 1: Evaluating the Physical Accessibility of Polling Places

The 2016 Checklist, found in Part 3 of this document, is designed to assist officials in determining whether a facility being considered for use as a polling place is accessible to people with mobility or vision disabilities, and, if not, whether modifications can be made to ensure accessibility or relocation to another accessible facility will be necessary. The 2016 Checklist should be used to evaluate both new and existing polling places. Completing the 2016 Checklist will provide guidance on whether a facility is accessible for voters with disabilities, and how to identify and remedy any barriers that exist.



Accessible polling place

to comply with the 2010 Standards as to those provisions included in the 1991 Standards. See 28 C.F.R. §35.151(b)(2)(i). This is referred to as a safe harbor. The 1991 Standards and the 2010 Standards, as applied to polling places, are very similar, however, with the exception of the requirements for accessible parking. For example, the 1991 Standards required only one van-accessible space for every eight accessible spaces, see 28 C.F.R. pt. 36, Appendix D, §4.1.2(5)(b), while the 2010 Standards require one van-accessible space for every six accessible spaces, see 2010 Standards §208.2.4.

Getting Started

Individuals using the 2016 Checklist need not be experienced in evaluating facilities for accessibility. It is designed to be used to evaluate key areas that must be accessible. By following these directions, staff can identify accessible polling places and consider how to implement temporary and permanent accessibility remedies to those facilities found to be inaccessible. References are also provided to the 2010 Standards for more information about particular requirements. We encourage election officials to provide training to their staff on compliance with the ADA.

An evaluation of polling place accessibility focuses on those areas of a facility that may be used as a polling place on Election Day. Think about how people generally arrive at, enter, and move through the polling place. Do people drive and park? Are people dropped off at the entrance? Do they arrive on foot or do they take public transportation? This document addresses the following key areas or features that must be accessible: the parking area and passenger drop-off sites; routes (both exterior and interior); the entrance to the polling place; and the voting area itself.

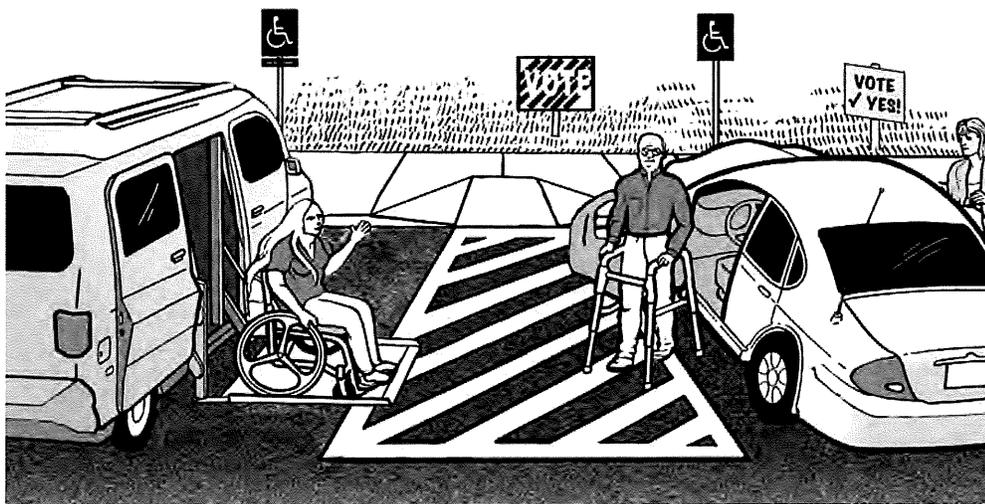
Arriving at the Polling Place

Parking

If parking is provided for voters, accessible parking must be provided for people with disabilities. An accessible space is composed of three elements: the parking space, an access aisle adjacent to the space that is wide enough to allow voters with a mobility disability to get out of their car or van, and signage designating it as an accessible space. The 2010 Standards require one accessible parking space per 25 parking spaces provided (up to the first 100 spaces). One of six (or fraction of six) accessible parking spaces, but always at least one, must be van accessible. Generally, the access aisle must be at least 60 inches wide for cars and 96 inches wide for vans. Van accessible spaces can also have an access aisle at least 60 inches wide if the width of the van parking space is at least 132 inches. A sign, with the International Symbol of Accessibility, must mark each accessible parking space. Van accessible spaces must be designated as such on the sign at these spaces. Accessible parking spaces and the access aisles serving them must be on a surface that is stable, firm, and slip resistant (e.g., clear of gravel or mud) without wide cracks or broken pavement and located on the closest accessible route to the accessible entrance. The accessible parking spaces and access aisles must also be level

to allow a safe transfer from the car to a person's wheelchair. (See Part 2 of this document for tips on measuring slopes and cross slopes.)

Parking requirements are in Section A of the 2016 Checklist found in Part 3 of this document.



A van accessible parking space and a car parking space share an access aisle

Solutions for Accessibility: Problems Involving the Parking Area

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

Solution: Find a relatively level parking area near the accessible entrance and then 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 these spaces and access aisles. Provide a temporary 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 Two: Accessible parking is provided, but it does not have a marked access aisle next to each designated accessible parking space.

Solution: Use traffic cones to mark and block 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 Three: Accessible parking spaces or access aisles are on a sloped surface and do not provide a level area for a safe transition from the voter's car to a wheelchair.

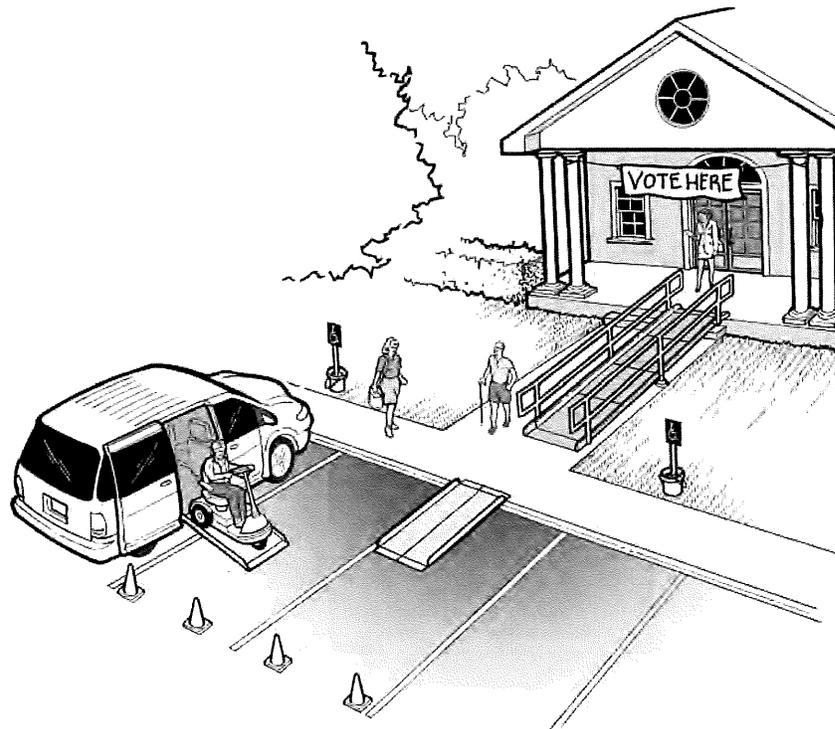
Solution: Find a parking area that is close to the accessible entrance and is level. Provide accessible parking spaces and access aisles in that area by marking them off with traffic cones. Make sure the accessible parking spaces connect to an accessible route to the entrance. Provide a sign designating each accessible

parking space. When the parking area generally is not level, you may need to look beyond the parking area, to driveways and streets, for example, to provide accessible parking in a level area temporarily on Election Day.

Problem Four: No sign with the International Symbol of Accessibility is installed at each accessible parking space.

Solution: Provide a temporary sign in front of each accessible parking space, including a "van accessible" sign for the van parking space.

Problem Five: A large number of accessible parking spaces are provided, including van accessible spaces, at a school near the main building entrance. The voting area and entrance to the voting area, however, are at the rear of the school and there are no designated accessible parking spaces in this area.



Three standard parking spaces are converted into a van accessible parking space with an access aisle. Cones mark and block off the access aisle and a temporary curb ramp with edge protection connects to an accessible route to the polling place.

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

Passenger Drop-off Locations

Some voters with disabilities will be driven to the polling place and dropped off in a passenger drop-off area near the entrance. If the polling place is served by passenger drop-off areas, then 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 next to the vehicle space. If a curb separates the access aisle from an accessible route, a curb ramp must be provided so that people with disabilities can get to the accessible route leading to the accessible entrance.

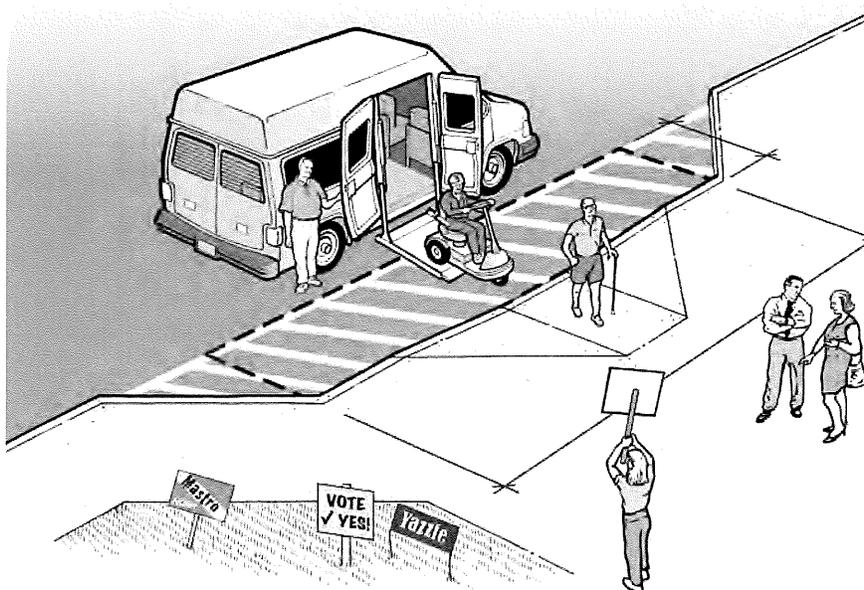
Passenger drop-off area requirements are in Section B of the 2016 Checklist found in Part 3 of this document.

Accessible Routes (Exterior and Interior)

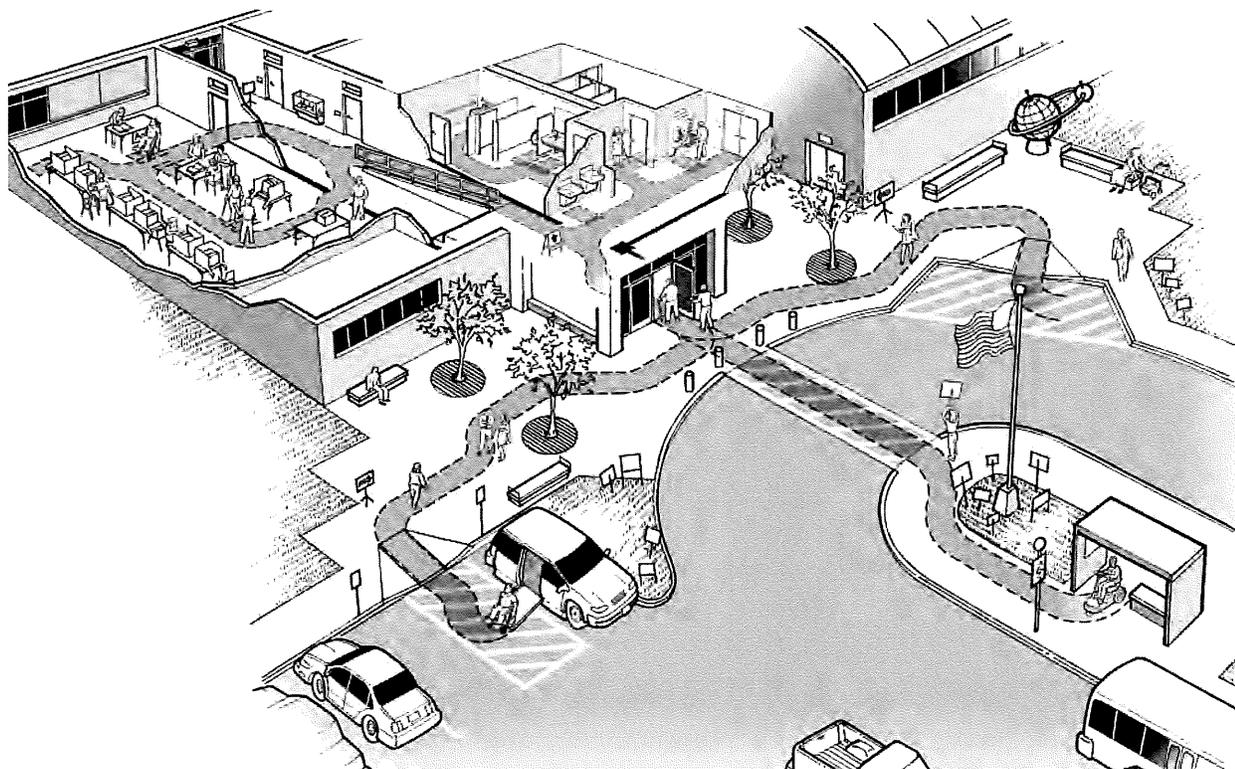
Once a voter with a disability arrives at the polling site, there must be an accessible route from the accessible parking, passenger drop-off sites, sidewalks and walkways, and public transportation stops to get to the entrance of the voting facility. The accessible route must be at least 36 inches wide. It may narrow briefly to 32 inches wide, but only for a distance of up to 24 inches. (See Part 2 of this document for tips on taking measurements.) Whenever possible, the accessible route must be the same as or near the general circulation path (i.e., the path for general pedestrian use).

Inside the polling place, there must be an accessible route from the entrance through hallways, corridors, and interior rooms leading to the voting area. The route must be free of abrupt changes in level, steps, high thresholds, or steeply sloped walkways. The accessible route is essential for people who have difficulty walking or who use wheelchairs or other mobility devices to get into the polling place and to the voting area. Where an accessible route is different from the general circulation path, signs will be needed to direct voters with disabilities to the accessible route and to the voting area.

Route requirements are in Sections C and E of the 2016 Checklist found in Part 3 of this document.



Accessible passenger drop-off and loading area



Accessible routes to and within the polling place

**Solutions for Accessibility:
Problems Involving the Accessible Route**

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

Solution: Check to see if there is another sidewalk that provides an accessible route to the accessible entrance. Sometimes there is a less direct route that can serve as the accessible route. If no accessible route can be found from the current designated accessible parking, relocate the accessible parking using traffic cones and signs to an area where there is an accessible route to the entrance.

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

Solution: Install a portable ramp.

Problem Three: One or two steps are part of the route leading to the accessible entrance.

Solution: Install a portable ramp.

Problem Four: The interior hallway leading to the voting area contains a set of stairs that cannot be ramped.

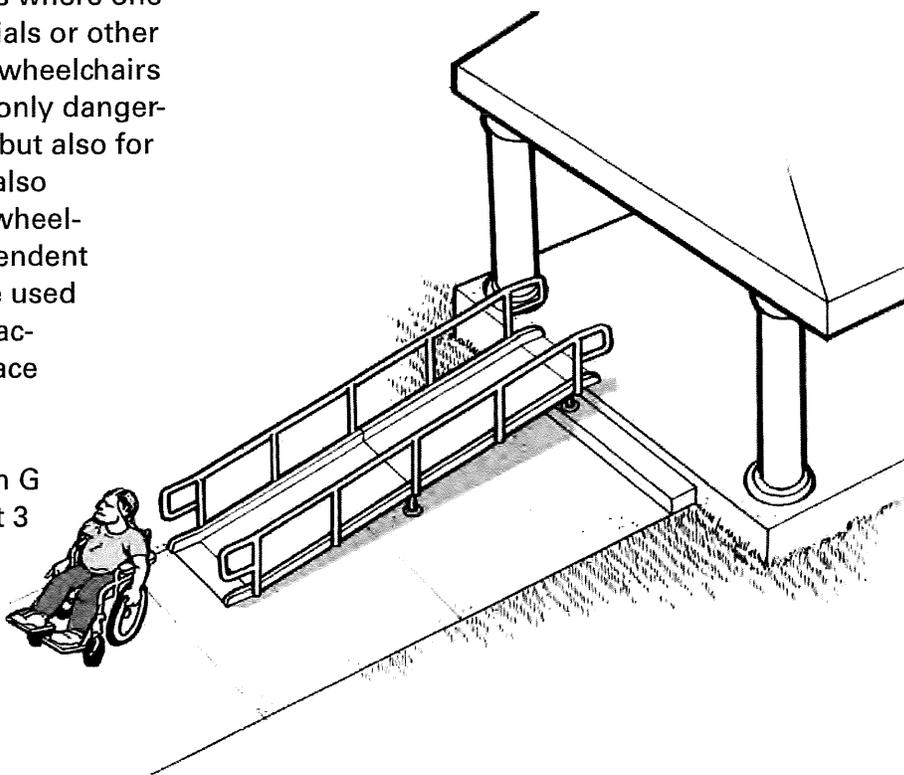
Solution: If the accessible route cannot be relocated, look for another area where voting may be provided. For example, if the stage in a school auditorium used for voting is up several steps, perhaps the hallway or lobby area may be accessible and used for voting instead of the stage. Or, if a church basement located down a flight of stairs is used as the voting area, perhaps one of the ground floor rooms could be used as the voting area. If it is impossible to relocate the voting area for all voters, find a location for an accessible voting station that offers the same privacy as the other voting area.

Ramps

If any part of the accessible route - exterior or interior - has a slope greater than 1:20, it is considered a ramp and must meet the requirements for ramps. (See Part 2 of this document for tips on measuring running slopes and cross slopes.) If any part of the accessible route contains steps, it must be ramped. Even one short step at an entrance or in a hallway can prevent access by a person using a wheelchair, walker, or cane and can make entry difficult for many people who have other mobility disabilities. Interior and exterior ramps must not be too steep and must have a level landing at the bottom and top, and where the ramp changes direction. They must meet the ADA's requirements regarding slope, width, landings, handrails, and edge protection. Ramps with a rise greater than six inches must have handrails and if there are vertical drop offs on the sides, there must be edge protection.

In the past, at some polling places where one or more steps were present, officials or other voters have carried people using wheelchairs up the steps. This practice is not only dangerous for the person being carried, but also for those lifting the wheelchair. It is also degrading to the person using a wheelchair and does not provide independent access. Carrying should never be used as an alternative to providing an accessible way to enter a polling place (or other facility).

Ramp requirements are in Section G of the 2016 Checklist found in Part 3 of this document.



A portable ramp with edge protection and handrails is placed over stairs to provide an accessible route on Election Day.

Solutions for Accessibility: Problems Involving Ramps

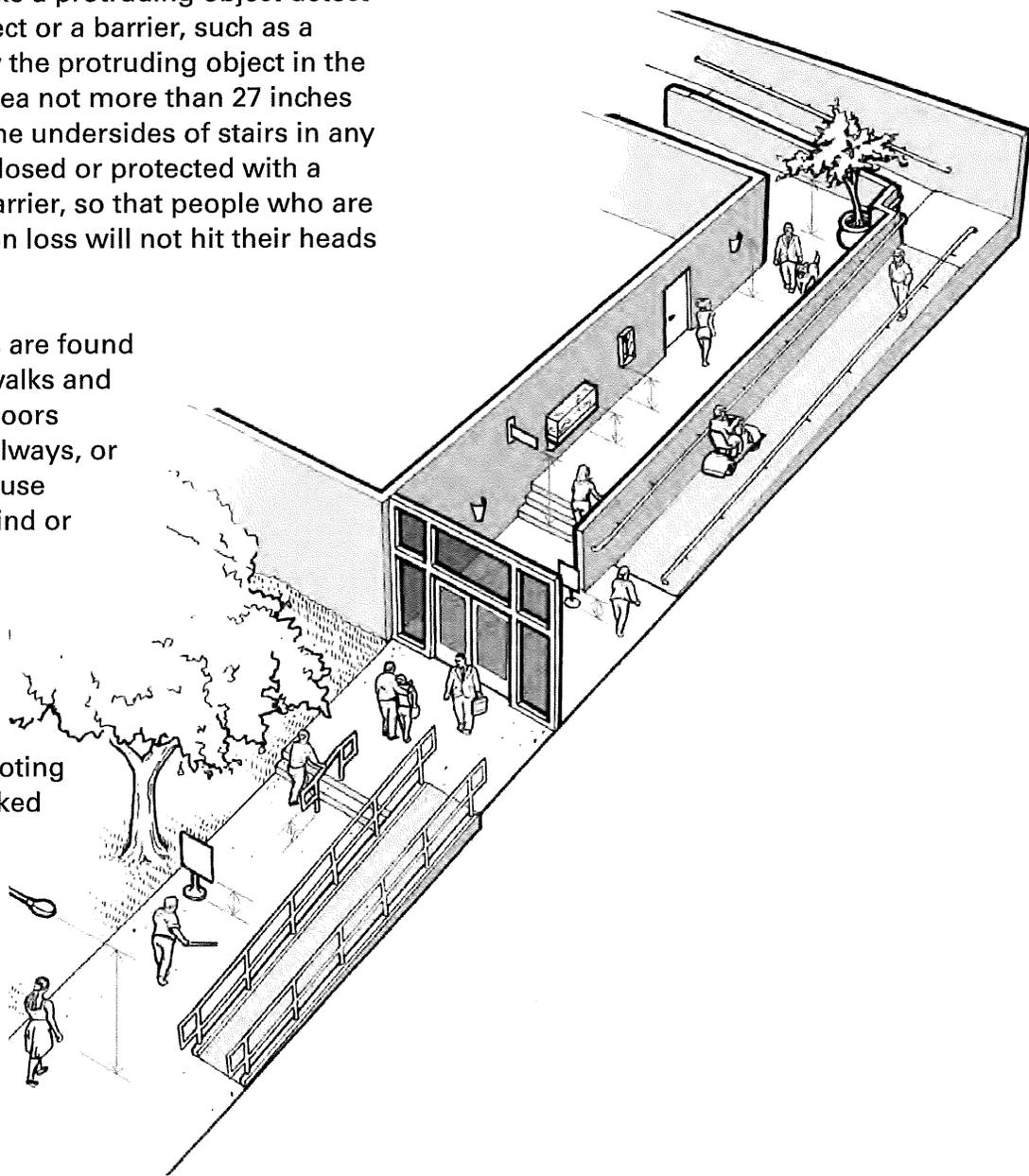
Problem One: There is a six inch high step on the accessible route that has a ramp that is only three feet long, making the ramp too steep and, therefore, inaccessible.

Solution: Alter the route to avoid the steep ramp or place a temporary ramp that is at least six feet long over the short ramp.

Protruding Objects

When people who are blind or who have vision loss use a cane to detect hazards, only objects located at 27 inches above the floor or ground or lower are detectable. If an object is higher than 27 inches and wall-mounted, it must not protrude more than four inches into the path of travel. Similarly, post-mounted objects higher than 27 inches must not protrude more than 12 inches into the path of travel. There must be at least 80 inches clear height above the pedestrian route. To make a protruding object detectable: place an object or a barrier, such as a traffic cone, below the protruding object in the cane-detectable area not more than 27 inches above the floor. The undersides of stairs in any route must be enclosed or protected with a cane-detectable barrier, so that people who are blind or have vision loss will not hit their heads on the underside.

Protruding objects are found outdoors on sidewalks and walkways, and indoors in lobby areas, hallways, or voting areas. Because people who are blind or have vision loss may walk on any circulation path, not just the accessible routes, all routes serving or leading to the voting area must be checked for protruding objects.



Examples of outdoor protruding objects include post or wall-mounted signs and low-hanging tree limbs. Examples of indoor protruding objects include fire extinguishers and wall-mounted display cases, wall sconces, open staircases, exit signs, overhead signs, banners, and some arched doorways.

Protruding object requirements are in Sections C, E, and F of the 2016 Checklist found in Part 3 of this document.

Signs or other objects in the pedestrian route can be a hazard if the bottom is more than 27 inches but less than 80 inches above the route. Objects that overhang the pedestrian route must be at least 80 inches above the route.

**Solutions for Accessibility:
Problems Involving Protruding Objects**

Problem One: Objects, such as branches and ceiling-mounted televisions, over a route are lower than 80 inches above the ground or floor.

Solution: Prune the branches or remove the items that are hanging below 80 inches. Another approach is to install a detectable barrier under the item that is too low. The detectable barrier or object must be no higher than 27 inches above the route.

Problem Two: A wall-mounted display case protrudes seven inches from the wall and the bottom of the case is 40 inches above the floor.

Solution: 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 Three: The bottom of a set of stairs is open and voters who are blind or have vision loss can hit their head on the underside of the stairs.

Solution: Provide a detectable fence or other object so voters cannot walk under the stairs.

Building Entrance

A polling place must have at least one accessible entrance. At least one door at the accessible entrance must have a minimum clear width of 32 inches for a voter who uses a wheelchair or other mobility device to pass through the doorway. (See Part 2 of this document for tips on taking measurements.) Door hardware must be useable with one hand without tight grasping, pinching, or twisting of the wrist, so that it is operable by someone with limited mobility in their hands. Doors may not have high thresholds that impede voters who use wheelchairs or other mobility devices in crossing the threshold. Inaccessible entrances must have signs directing voters to the accessible entrance. The accessible entrance must remain



When the underside of a set of stairs is open, it is a hazard to people who are blind or have low vision. Enclosing the area below the stair or installing a cane-detectable barrier helps the person to stop before hitting her head.

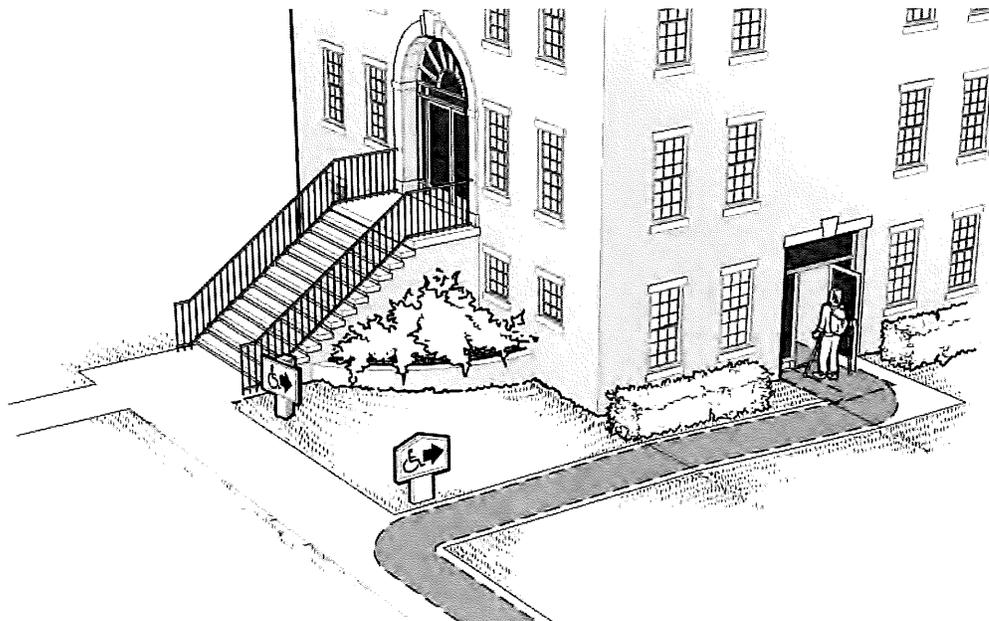
unlocked at all times the polling place is open.

Building entrance requirements are in Section D of the 2016 Checklist found in Part 3 of this document.

**Solutions for Accessibility:
Problems Involving the Building Entrance**

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

Solution: If another entrance is accessible and on an accessible route from parking, passenger drop-off sites, or public transportation stops, designate it as the accessible entrance. If the main entrance is not accessible, install a directional sign at the main entrance directing voters with disabilities to the accessible entrance. Keep the accessible entrance unlocked during all voting hours. If another accessible entrance is not available, install a temporary ramp at the main entrance.



Accessible entrance to polling place with signs directing voters to the accessible entrance

Problem Two: The entrance door threshold is one inch high.

Solution: Short ramps or wedges may be used on both sides of the threshold to allow a voter in a wheelchair to pass over the threshold.

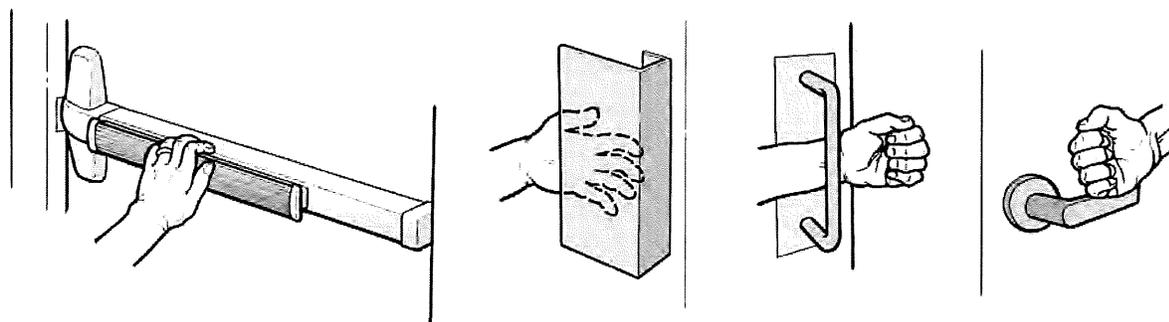
Problem Three: The entrance doors are narrow double leaf doors that are normally opened by an automatic door opener but it is not working on Election Day.

Solution: Keep both doors propped open, station volunteers near the doors to open them for voters while the polling place is open, or provide a temporary doorbell to notify officials

that the door needs to be opened in a timely manner.

Problem Four: The entrance door has a door knob and/or latch that requires tight pinching and twisting and is not accessible.

Solution: There are four typical solutions: add an accessible pull or handle and leave the door unlatched; install fully accessible door hardware; leave the door propped open; or provide a temporary doorbell to notify officials that the door needs to be opened in a timely manner.



Examples of accessible door hardware

Lifts and Elevators

If the voting area is not on the same level as the entrance, there must be an independently operable elevator or lift to provide an accessible route to individuals with disabilities. The door into the elevator or lift and the space within must be wide enough to accommodate wheelchairs and other mobility devices. All controls should be operable without tight grasping, pinching, or twisting and should be no higher than 48 inches. Chair or seated lifts found on staircases do not comply with the 2010 Standards as they are not suited for many voters with disabilities, including people who use wheelchairs.

Lift and elevator requirements are in Section H and I of the 2016 Checklist found in Part 3 of this document.

Solutions for Accessibility: Problems Involving Lifts and Elevators

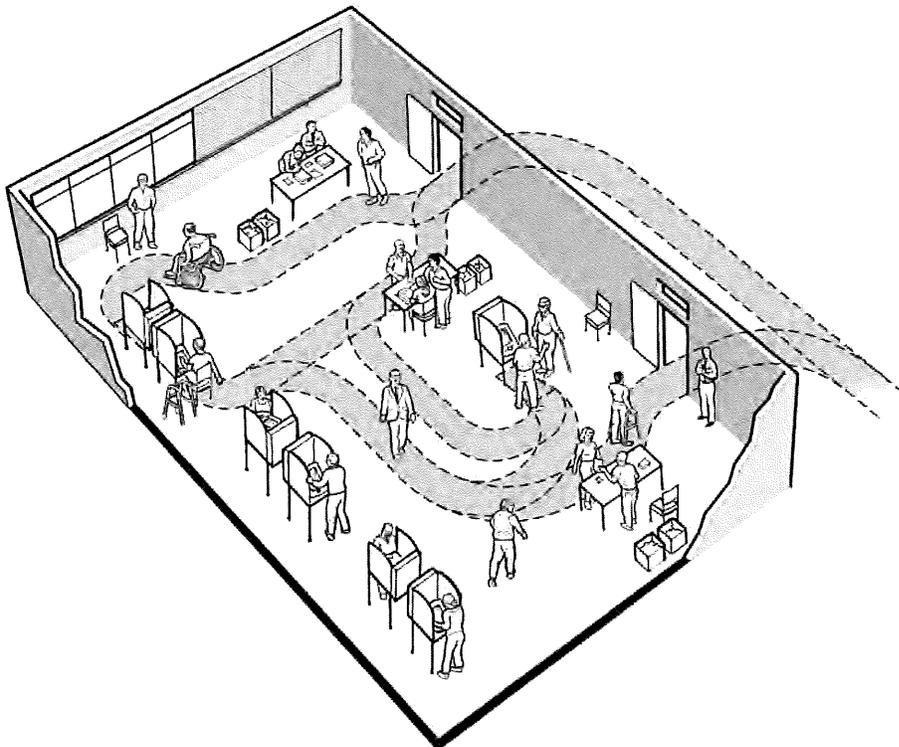
Problem One: The elevator or lift to the voting area requires a key to be inserted before the elevator or lift is operational.

Solution: Relocate the voting area to avoid use of the elevator or lift. Otherwise, leave the key in the elevator or lift for the entire time the polling place is open, or station a volunteer, who has been trained in its operation, to operate the elevator or lift while the polling place is open.

Voting Area

The accessible voting area must have an accessible entrance and adequate circulation and maneuvering space for voters who use wheelchairs or scooters, or who walk with mobility devices, to get in to the voting area, sign in at the check-in table, and go to the voting stations or machines. Within the voting area there must be enough clearance for an individual with a disability to access and use all the voting equipment. Voting machines should be positioned so that the highest operable part is no higher than 48 inches. If voters are expected to vote at counters or tables, there should be a writing surface that provides knee and toe clearance so that a voter who uses a wheelchair may sit at and use the counter or table.

Voting area requirements are in Section F of the 2016 Checklist found in Part 3 of this document.



An accessible route connects the building entrance with the voting area, including voter check-in and voting stations.

Solutions for Accessibility: Problems Involving the Voting Area

Problem One: The voting area is in a small room and the accessible voting machine is only two feet from the check-in table.

Solution: Relocate the voting area to a larger space such as a hallway or lobby or change the layout of the voting area by moving the check-in table outside the room to provide appropriate space for voters with disabilities to use the accessible voting machine.

Part 2: Tools for Surveys

The tools necessary to conduct surveys using the 2016 Checklist are inexpensive and many, if not all, can be purchased at local hardware and home improvement stores.

Tools and Documentation

The following tools are needed for the 2016 Checklist:

- a metal tape measure at least 20 feet long
- a digital level or a bubble level that is at least 24 inches long
- a door pressure gauge
- a digital camera with a flash
- a copy of the 2016 Checklist for each location to be surveyed
- a clipboard and pens or pencils

Completing Measurements and Recording Information

One person can complete a survey of a polling place but it is often quicker and easier for two people to work together. One can be responsible for taking the measurements and the other for recording the information and taking any photographs.

Taking Measurements

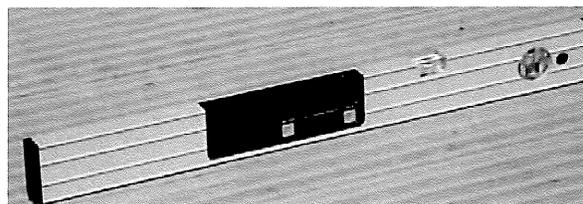
Sloped Surfaces

Measuring the slope of a ramp, parking space, pedestrian route, or other ground or floor surface is important to identify whether the surface is accessible. Two slope measurements perpendicular to one another should be taken at each location. One is the running slope that runs parallel to the direction of travel and the other is the cross slope, which runs perpendicular to the running slope.

The amount of slope or grade is described as the proportion of a vertical rise to a horizontal length. It is usually described as:

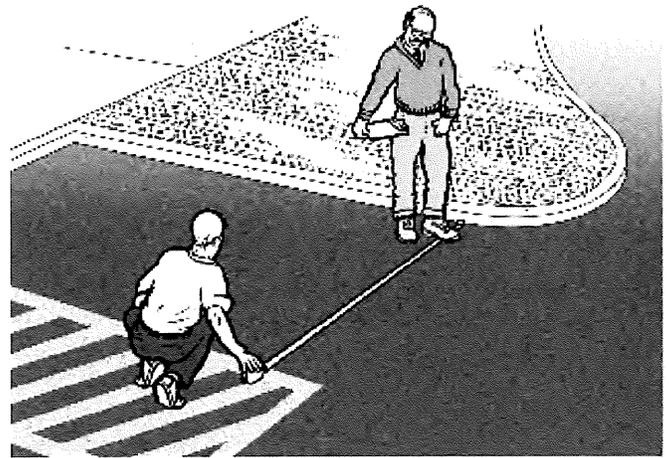
- a ratio (e.g., 1:20, means one unit of vertical rise for each 20 units of horizontal length); or
- a percentage (e.g., 8.33% which equates to a ratio of 1:12 or 4.76 degrees).

The easiest way to measure slope is to use a digital level. The digital display gives a reading that may be shown as a ratio, percent, or degree. Calibrate the digital level before each use.

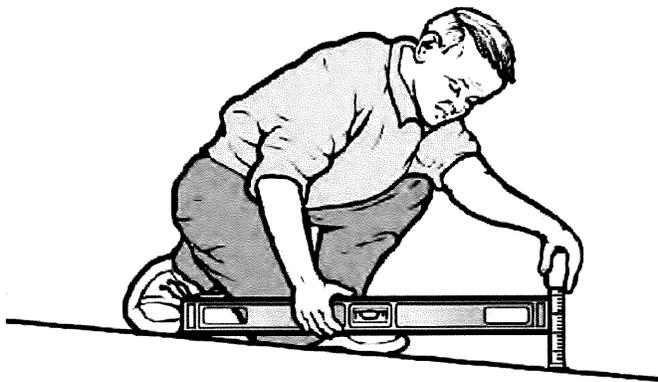


A digital level that can be used with measurements in degrees, percentages, or ratios

Another way to measure slope is to use a 24 inch level with leveling bubbles and a tape measure. Place the level on the sloped surface in the direction you wish to measure. Rest one end of the level at the highest point of the sloped surface and lift the other end (see image) until the bubble is in the middle of the tube. This is the "level" position. While the level is in this position, measure the distance between the bottom end of the level and the sloped surface below. If the distance is two inches or less, then the slope is 1:12 or less. When the distance is more than two inches, record the distance on the checklist so the exact slope can be calculated later. For measuring cross slope, if the distance measured from the level position is $\frac{1}{2}$ inch or less then the slope is 1:48 or less.



Using a tape measure to measure the width of a parking space



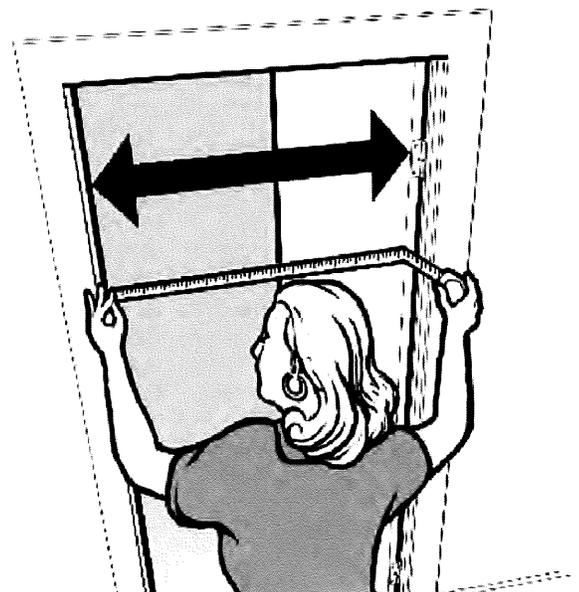
Measuring slope using a 24 inch bubble level and tape measure

Using the Tape Measure

A tape measure is used to measure the length, width, height, and depth of various elements including parking spaces and access aisles, routes, thresholds, doorways, and protruding objects.

Measuring Door Openings

Special care is needed when measuring the clear opening of a doorway. To measure the clear opening of a standard hinged door, open the door to 90 degrees. Measure the clear door opening from the edge of the doorstop to the edge of the door (not to the door jamb). This measures the clear width of the door opening through which people pass, which is less than the width of the door itself. Door handles and push bars should not be included in the measurements of door opening widths.



Measuring the clear door opening

Taking Photographs

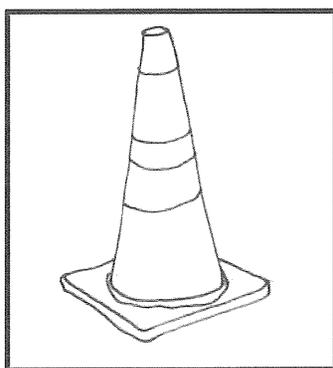
It is always useful to first take a photo that will clearly identify the site, then the elements surveyed. A comprehensive set of photographs makes it easier to understand existing conditions after the survey is completed. It is a good idea to take several photos of the exterior and interior of the polling place. We recommend taking photographs of measurements and non-compliant elements such as steps. It is likely that others may review information about the facility you are surveying.

Temporary Remedies

Many accessibility barriers at polling places can be removed with temporary remedies. Although not designed to be permanent solutions, the following tools can be used to provide remedies on Election Day to improve accessibility. These tools can often be found in local hardware and home improvement stores or online at minimal cost.

Temporary Remedies

Traffic Cones



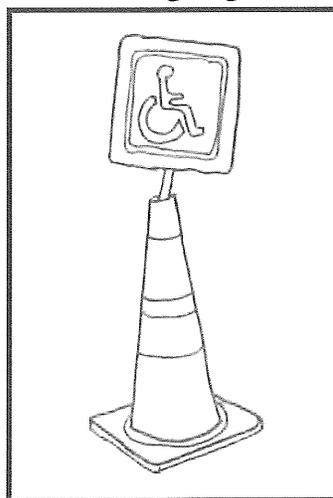
Traffic cones can be used to mark parking spaces, access aisles and passenger loading zones, to hold parking signs, and to warn of protruding objects.

Van Parking Sign



Van accessible parking signs should be used to designate van accessible parking locations.

Parking Signs



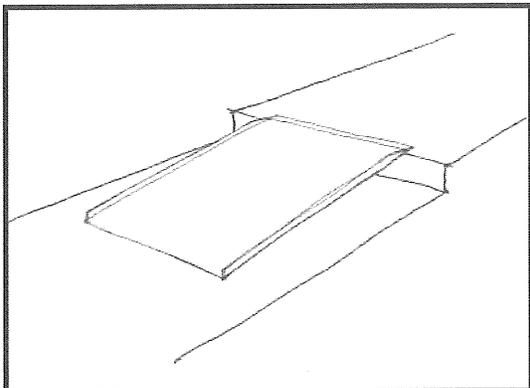
Accessible parking signs should be used to designate accessible parking locations.

Directional Signs



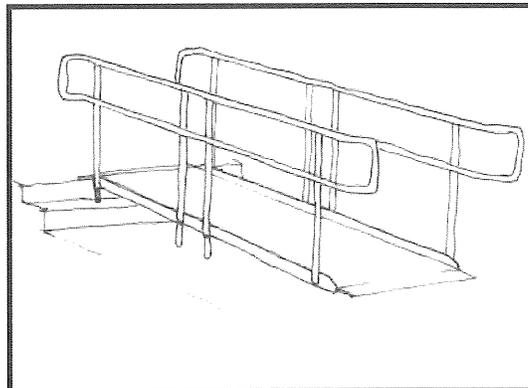
Directional signage should be used to show direction to the accessible route, accessible entrance, and voting area.

**Portable ramp -
step six inches or less**



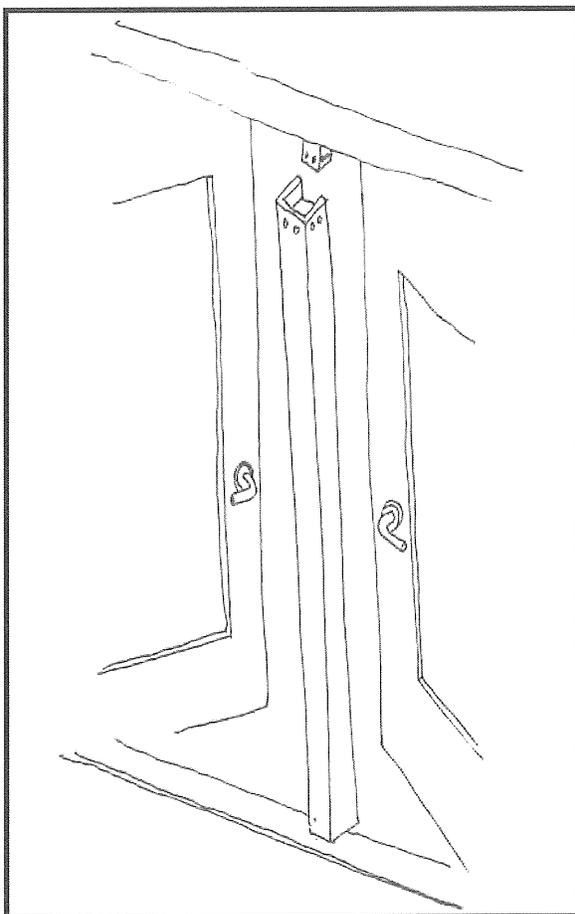
Portable ramps without handrails can only be used for heights six inches or less and can provide access at a curb or low step. Portable ramps also can be placed flat to cover holes or gaps in a sidewalk.

**Portable ramp -
greater than six inch step**



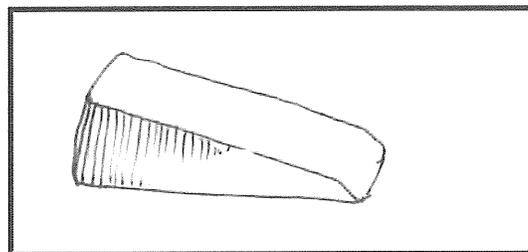
Portable ramps with handrails must be used for heights greater than six inches to provide access over steps. For ramps greater than six inches high, temporary edge protection such as a pipe or piece of wood can be attached with ties or twine to the edges of the ramp. Edge protection must run the entire length of the ramp.

**Remove post (increase clear width
at double leaf doors)**



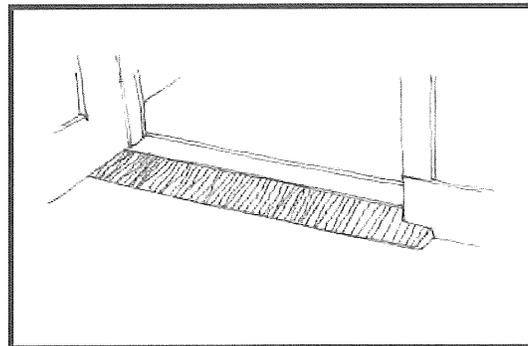
Remove center post between doors if the post is bolted to the door frame to provide a 32 inch clear opening or to allow double doors to be propped open.

Door stop



Door stops can be used to prop open a door if the door handle is inaccessible, or if there is an inadequate maneuvering clearance for a person using a wheelchair or other mobility device to open the door.

Wedges



Wedges can provide access at thresholds and slight changes in level.

Part 3 : Polling Place Accessibility Checklist

Ward:_____ Precinct:_____ Staff:_____ Date:_____ Time:_____

Address:_____ Location name:_____

This checklist is designed to provide guidance for determining whether a polling place has basic accessibility features needed by voters with disabilities.

For each question below there are citations to the 2010 ADA Standards for Accessible Design (2010 Standards). Please review the 2010 Standards for all requirements.

There are some differences between the 1991 ADA Standards for Accessible Design (1991 Standards) and the 2010 Standards. Elements and spaces in a building constructed or altered before March 15, 2012, that complied with the 1991 Standards may remain in compliance with the 2010 Standards. See 28 C.F.R. §35.150(b)(2) for more information.

In completing the checklist, provide a measurement for every question with a "no" answer. Where a question asks about more than one element, provide a note in the comments explaining any noncompliant elements.

Status of Polling Place

All Elements Compliant

Non-Compliant Elements Remediable with Temporary Measures

Non-Compliant Elements Not Remediable with Temporary Measures
(Relocate Polling Place)

Ward: _____ Precinct: _____ Staff: _____ Date: _____ Time: _____

Address: _____ Location name: _____

A	Parking Only complete this section if off-street parking is provided to voters. If off-street parking is not provided to voters, go to Section B. If more than 25 parking spaces are provided to voters, see the 2010 Standards for the number of accessible parking spaces required. (§208.2)	Yes	No	N/A	Comments/ Remedies
A1	Is there at least one designated van accessible space with signage with the International Symbol of Accessibility and designated "van accessible"? (§§208.2, 208.2.4, 502.6)				
A2	Are the designated van accessible spaces at least 96" wide with a 96" wide access aisle, or 132" wide with a 60" wide access aisle? (§§502.2, 502.3) Width of space _____ Width of access aisle _____				
A3	For van accessible spaces (particularly in a garage or parking structure), is there vertical clearance of at least 98" for the vehicular route to the parking space, in the parking space and access aisle, and along the vehicular route to the exit? (§502.5)				
A4	Are designated accessible parking spaces and the access aisles serving them on a level surface, with slopes not exceeding 1:48 in all directions? (Note: Curb ramps may not be part of an access aisle since they include slopes greater than 1:48.) (§502.4)				
A5	Are the surfaces of the designated accessible parking spaces and access aisles stable, firm, and slip resistant? (§§502.4, 302.1)				
A6	Are the designated accessible parking spaces located on the shortest accessible route to the accessible entrance? (§208.3.1)				

Ward: _____ Precinct: _____ Staff: _____ Date: _____ Time: _____

Address: _____ Location name: _____

B	Passenger Drop-Off Area Only complete this section if a passenger drop-off area is provided for voters. If a drop-off area is not provided to voters, go to Section C.	Yes	No	N/A	Comments/ Remedies
B1	Is the vehicle pull-up space on a level surface, with slopes not exceeding 1:48 in all directions? (§503.4)				
B2	Is the access aisle next to the vehicle pull-up space on a level surface, with a slope not exceeding 1:48 in all directions? (§503.4)				
B3	Is there vertical clearance of at least 114" (9 feet 6 inches) from the site entrance to the vehicle pull-up area, in the access aisle, and along the vehicular route to the exit? (§503.5)				
B4	Is a curb ramp provided if a curb separates the access aisle from the accessible route to the accessible entrance? (§§206.2.1, 503.3)				
B5	Is the width of the curb ramp surface at least 36" (not counting the side flares)? (§405.5)				
B6	Does an accessible route connect the access aisle and curb ramp to the accessible entrance of the polling place? (§206.2)				

Ward: _____ Precinct: _____ Staff: _____ Date: _____ Time: _____

Address: _____ Location name: _____

C	Exterior Route to Accessible Entrance Complete a separate Exterior Route form, when applicable, for the routes from 1) parking, 2) passenger drop-off areas, 3) public sidewalks and 4) public transportation stops. Exterior route location: _____	Yes	No	N/A	Comments/ Remedies
C1	Is the route at least 36" wide? (§403.5.1)				
C2	Is the route free of abrupt changes in level greater than ½", including stairs? (§303)				
C3	Is the route free of surface openings greater than ½", such as grates or holes in the pavement? (§302.3)				
C4	Are walking surfaces stable, firm, and slip resistant? (§302.1)				
C5	Is the route free of wall mounted objects that protrude more than 4" into the path of travel and are between 27" and 80" high? (§307.2)				
C6	Is the route free of post mounted objects that protrude more than 12" into the path of travel and are between 27" and 80" high? (§307.3)				
C7	Are objects that hang over the pedestrian route 80" or higher, including the underside of exterior stairs? (§307.4)				
C8	If the route crosses a curb, is there a curb ramp that is at least 36" wide with a slope no more than 1:12? (§§303.4, 405.2, 405.5, 406.1)				
C9	Is the running slope of part of the route greater than 1:20? If yes, go to Section G. (§402.2)				
C10	Is the cross slope of the accessible route no greater than 1:48? (§§403.3, 405.3)				

Ward: _____ Precinct: _____ Staff: _____ Date: _____ Time: _____

Address: _____ Location name: _____

D	Polling Place Entrances	Yes	No	N/A	Comments/ Remedies
D1	Is the clear width of the door opening (one door or one active leaf of a double door) at least 32"? (§404.2.3)				
D2	Is each door hardware useable with one hand without tight grasping, pinching, or twisting of the wrist? (§§309.4, 404.2.7)				
D3	On the pull side of the door, is there at least 18" of clearance provided to the side of the latch? (§404.2.4)				
D4	Is the area in front of the door level, with slopes no greater than 1:48 in all directions? (§§404.2.4.4, 405.7.1)				
D5	If there are doors in a series, is the distance between the two hinged doors at least 48" plus the width of the door swinging into the space? (§404.2.6)				
D6	Can the second door (interior door) in the series be opened with no more than 5 pounds of force? (§309.4)				
D7	Does the second door (interior door) in the series comply with D2, D3, and D4, above?				
D8	Are door thresholds no higher than ½"? (Note: If the threshold is between ¼" and ½" it must be beveled.) (§404.2.5)				
D9	Do inaccessible entrances have signage directing voters to the accessible entrance? (§216.6)				
D10	If voters are directed to an alternative accessible entrance, is this entrance kept unlocked during voting hours? (28 C.F.R. §§35.130, 35.133)				

Ward: _____ Precinct: _____ Staff: _____ Date: _____ Time: _____

Address: _____ Location name: _____

E	Route from Entrance Into Voting Area	Yes	No	N/A	Comments/ Remedies
E1	Is the route at least 36" wide? (§403.5.1)				
E2	Is the route free of wall mounted objects that protrude more than 4" into the path of travel and are between 27" and 80" high? (§307.2)				
E3	Is the route free of post mounted objects that protrude more than 12" into the path of travel and are between 27" and 80" high? (§307.3)				
E4	Are objects that hang over the route 80" or higher, including the underside of stairs? (§307.4)				
E5	Is the route free of abrupt changes in level greater than ½", including stairs? (§303)				
E6	Is the running slope of part of the route greater than 1:20? If yes, go to Section G. (§303.4)				
E7	If the route to the voting area has stairs, is a platform lift or elevator provided? If yes, go to Section H (lifts) or Section I (elevators). (§402.2)				
E8	If doors are provided along the route to the voting area, is the clear width of each door opening (one door or one active leaf of a double door) at least 32"? (§404.2.3)				
E9	Is each door hardware useable with one hand without tight grasping, pinching, or twisting of the wrist? (§§309.4, 404.2.7)				
E10	Can each door be opened with no more than 5 pounds of force? (§309.4)				
E11	Is the threshold at each door no higher than ½"? (Note: If the threshold is between ¼" and ½" it must be beveled.) (§404.2.5)				
E12	On the pull side of each door, is there at least 18" of clearance provided to the side of the latch? (§404.2.4)				
E13	Is the area in front of each door level, with slopes no greater than 1:48 in all directions? (§§404.2.4.4, 405.7.1)				

Ward: _____ Precinct: _____ Staff: _____ Date: _____ Time: _____

Address: _____ Location name: _____

F	Within the Voting Area	Yes	No	N/A	Comments/ Remedies
F1	Are floor surfaces stable, firm, and slip resistant? (§302.1)				
F2	Is the route free of wall mounted objects that protrude more than 4" into the path of travel and are between 27" and 80" high? (§307.2)				
F3	Is the route free of post mounted objects that protrude more than 12" into the path of travel and are between 27" and 80" high? (§307.3)				
F4	Are objects that hang over the route 80" or higher, including the underside of stairs? (§307.4)				
F5	Is there enough room to provide a route at least 36" wide to the registration table and voting stations? (§403.5.1)				
F6	Is there enough room to provide a turning space in front of at least one voting station, such as a circle that is at least 60" in diameter? (§304.3)				
F7	Is there enough room to provide a turning space in front of at least one accessible voting machine, such as a circle that is at least 60" in diameter? (§304.3)				

Ward: _____ Precinct: _____ Staff: _____ Date: _____ Time: _____

Address: _____ Location name: _____

G	Ramps Complete a separate ramp form for each ramp, whether exterior or interior. Ramp location: _____	Yes	No	N/A	Comments/ Remedies
G1	Is the running slope of the ramp no greater than 1:12? (§405.2)				
G2	Is the cross slope of the ramp 1:48 or less? (§405.3)				
G3	Is the rise (height) for any ramp run 30" or less? (§405.6)				
G4	Is the ramp, measured between handrails, at least 36" wide? (§405.5)				
G5	Does the ramp have a level landing that is at least 60" long, at the top and bottom of each ramp section? (§405.7)				
G6	For every 30" of rise, is a level landing at least 60" long provided? (§§405.6, 405.7)				
G7	Is a level landing, at least 60" by 60" provided where the ramp changes direction? (§405.7.4)				
G8	If the rise of the ramp is greater than 6", are handrails provided that are between 34" and 38" above the ramp surface? (§§405.8, 505.4)				
G9	If the rise of the ramp is greater than 6" and the ramp or landing has a vertical drop-off on either side of the ramp, is edge protection provided? (§405.9)				

Ward: _____ Precinct: _____ Staff: _____ Date: _____ Time: _____

Address: _____ Location name: _____

H	Lifts	Yes	No	N/A	Comments/ Remedies
H1	Is the lift operational at the time of the survey? (28 C.F.R. §§35.130, 35.133)				
H2	Is the lift independently operable, or can it be made so during Election Day? (§410.1)				
H3	Is there 30" by 48" of clear floor space within the lift? (§§410.3, 305.3)				
H4	Are the controls for the lift no higher than 48"? (§§410.5, 309.3, 308)				
H5	Are the controls useable with one hand without tight grasping, pinching or twisting? (§§410.5, 309.4)				
H6	Is the clear width of the door opening/gate opening at the end of the lift at least 32"? If a side door/gate is provided, is the clear opening width at least 42"? (§410.6)				

Ward: _____ Precinct: _____ Staff: _____ Date: _____ Time: _____

Address: _____ Location name: _____

I	Elevators	Yes	No	N/A	Comments/ Remedies
I1	Is the elevator car door opening at least 36" wide? (§407.3.6, Table 407.4.1)				
I2	Is there space to maneuver within the elevator car, e.g., 51" deep and 68" wide; OR 80" deep and 54" wide; OR 60" deep and 60" wide? (§407.4.1)				
I3	Are hallway elevator call buttons 48" high or lower? (§§407.2.1.1, 308.2, 308.3)				
I4	Are elevator car controls 48" high or lower? (§§407.4.6.1, 308.2, 308.3)				
I5	Does the elevator have visible and audible signals in the hallway to indicate the arrival and direction of the elevator car? (§407.2.2.1)				
I6	Does the elevator have visible and audible signals within the elevator car to indicate the position of the car? (§407.4.8)				