The Right to Vote in South Carolina

People with disabilities still have unequal access to the electoral process

Protection and Advocacy for People with Disabilities, Inc.

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About Protection and Advocacy for People with Disabilities, Inc.

Since 1977 Protection and Advocacy for People with Disabilities, Inc. has been an independent, statewide, non-profit corporation that protects and advances the legal rights of people with disabilities. P&A's vision in South Carolina is that individuals with disabilities will be fully integrated into the community with control over their own lives; be free from abuse, neglect and exploitation and have equal access to services.

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Disclaimer

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Executive Summary

Voting isn't *a* right. It's *the* right – the one that all others depend upon. Yet voters with disabilities often face barriers in the voting process that make it difficult and sometimes frustrating to vote. Even though Congress has repeatedly passed laws designed to ensure voting access to all citizens, South Carolinians with disabilities are frequently denied equal access to voting. Physically inaccessible polling places and voting machines, inaccessible ballots, inadequately trained poll managers and staff members are just a few of the obstacles people with disabilities face while trying to participate in the democratic process.

This report reviews the results of a polling place accessibility survey conducted across South Carolina by Protection and Advocacy for People with Disabilities, Inc. (P&A) during the general election on November 4, 2014. Surveys were conducted at 303 polling places in 38 of the state's 46 counties. The findings clearly show that voters with disabilities do not have equal opportunity to vote in South Carolina.

Key Findings:

1. Almost two thirds of South Carolina's polling places surveyed are not accessible to all voters or do not comply with multiple federal laws, including the 2002 Help America Vote Act (HAVA),[1] the Voting Accessibility for the Elderly and Handicapped Act of 1984 (VAEHA)[2] and the Americans with Disabilities Act (ADA).[3]
2. Despite clear state laws, federal recommendations, and South Carolina State Election Commission (SEC) guidance, one in four polling sites surveyed did not provide curbside voting. Curbside voting[4] is a program designed to ensure that voters with disabilities or age 65 and older who may have difficulty standing in line may exercise their right to vote in person on Election Day from their vehicles.
3. Voters are confused on Election Day due to a lack of consistent and readable signage at polling places. Voters are often uncertain where they should go and what accessible accommodations are available to them. Frustrated voters often leave without casting their ballot.

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[1] 42 U.S.C. §§15301-15545
[2] 42 U.S.C. §§1973ee–1973ee-6
[3] 42 USC §§12101-12213
[4] S.C. Code Ann. § 7-13-771 (Supp. 2014)

4. County Election Administrations, which consist of the County Voter Registration and Election Office and County Election Commission, and the poll managers who work onsite at polling locations lack the knowledge and understanding of current laws and policies affecting voters with disabilities. The result is that as many as 17% of voters cannot vote on Election Day.

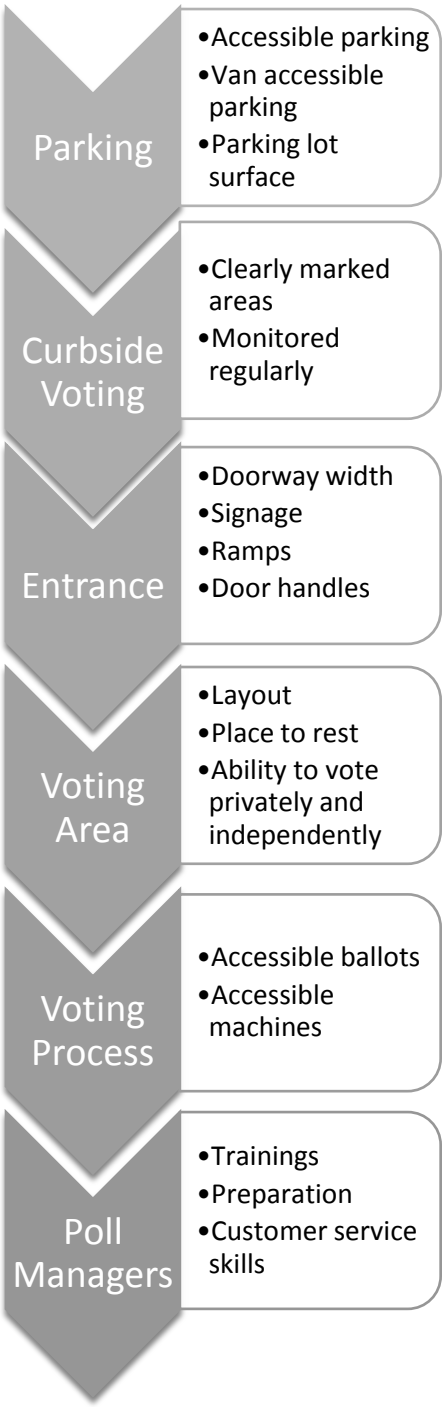
Recommendations

1. County Election Administrations are responsible for ensuring that their polling places are accessible. County Election Administrations must be trained on how to conduct polling place accessibility surveys and every polling place in each county must be evaluated on a regular basis. Those polling places found inaccessible either must be made temporarily accessible on Election Day or relocated to accessible locations.
2. Curbside voting must be implemented consistently across the state. The SEC must promulgate regulations establishing statewide standards and procedures for curbside voting, including penalties for noncompliance. Both the SEC and the County Election Administrations need to review and implement the Department of Justice's most recent recommendations on curbside voting practices.[5]
3. Consistent, clearly readable, and well-placed signage must be available at every polling location across the state to assist all voters in the electoral process. The SEC should set standards and provide model materials.
4. Training for County Election Administrations and poll managers must include information about the rights of voters with disabilities, laws, best practices, and the rights of people with disabilities. Training should also include information about how best to interact with and accommodate voters with all types of disabilities.

[5] http://www.ada.gov/ada_voting/ada_voting_ta.htm

Introduction

In order to ensure that people with disabilities are able to participate in the electoral process, state and local election officials must ensure that polling precincts are fully accessible, that curbside voting is implemented consistently, signs are readable and well-placed, and that County Election Administrations and poll managers have adequate training to meet the needs of people with disabilities. This report reviews the accessibility of polling locations throughout South Carolina during the general election of November 2014. This survey focused on areas of a polling place that are central to all voters, especially voters with disabilities. These include the parking lot, the entrance to the polling place, access to curbside voting, the voting area, and poll manager knowledge of and ability to assist voters if needed.



The 2002 Help America Vote Act (HAVA)[6] mandated improvements to the electoral process, including minimum standards for election technology and administration. HAVA added to existing laws such as the Voting Rights Act of 1965,[7] The Voting Accessibility for the Elderly and Handicapped Act of 1984 (VAEHA),[8] National Voter Registration Act (NVRA),[9] and the Americans with Disabilities Act (ADA)[10] to prohibit voter discrimination and denial of voting access for people with disabilities.

P&A implements the Protection and Advocacy for Voting Access (PAVA) program created by HAVA in 2002. The goal of PAVA is to ensure that people with disabilities can fully participate in the entire voting process—registering to vote,

[6] 42 USC § 15301.
[7] 42 U.S.C. §§1973-1973aa-6
[8] 42 U.S.C. §§1973ee–1973ee-6
[9] 42 U.S.C. §§ 1973gg–1973gg-10
[10] 42 U.S.C. §§12101-12213

accessing the polling place, and casting ballots. P&A has been actively involved in the process of creating and ensuring the accessibility of polling places since PAVA began. This is P&A's fifth report on polling place accessibility in South Carolina.[11]

According to the 2013 American Community Survey[12] conducted by the US Census Bureau, 630,660 people age 18 and older in South Carolina have a disability. This means that 17.5% of the voting age population or as many as 1 in 6 voters in South Carolina may be affected by polling place inaccessibility.

Survey Methodology

In 2012, P&A developed a Polling Place Accessibility Survey (see appendix) to evaluate whether a polling place has the basic accessible features needed by voters with disabilities. P&A used the United States Department of Justice 2004 ADA Checklist for Polling Places[13] for the basis of the survey. The Checklist explains how to evaluate the physical accessibility of polling places; how to determine which locations may become accessible with modifications; and which locations cannot be modified to become accessible. The ADA Checklist has become the nationwide standard for evaluating barriers to voters with disabilities. For the process of this survey, P&A has used the following definitions:

> ***Disability*** The Americans with Disabilities Act (ADA) defines disability as a significant impairment that limits one or more major life activities.[14]
> ***Accessibility*** is a term used to describe how easily a person can reach, use, or understand another person, thing, or environment.
> ***Barriers*** refer to the physical, technological and/or attitudinal obstacles that hinder this access.

The SC DisAbility Voting Coalition, a non-partisan coalition dedicated to increasing the numbers of people with disabilities who vote through improved access to the voting process and voter education, reviewed the survey and provided recommendations for changes. Three dozen organizations and agencies representing people with disabilities serve on the Coalition.

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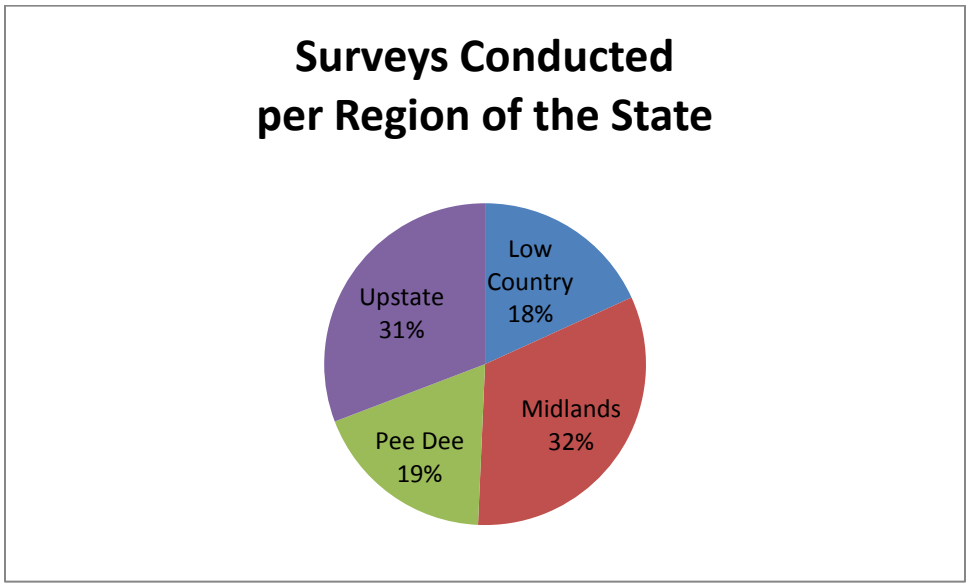
[11] http://pandasc.org/2012/12/pa-issues-report-on-voting-site-accessibility-for-people-with-disabilities/
[12] http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_13_1YR_S1810&prodType=table
[13] ADA Checklist for Polling Places; US Department of Justice, 2004 http://www.ada.gov/votingck.htm
[14] 42 U.S.C. 12102.

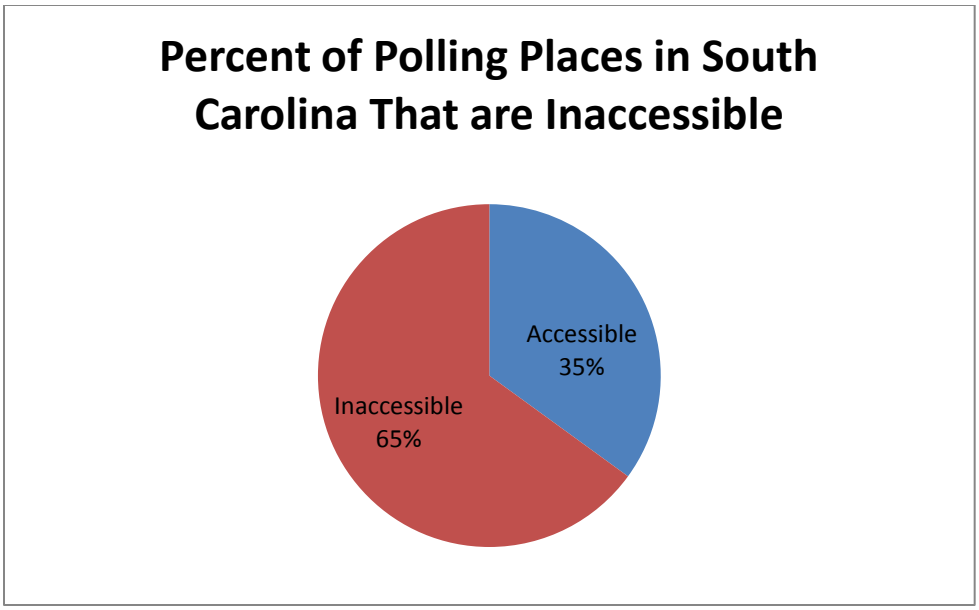
On November 4, 2014, P&A conducted Accessibility Polling Place Surveys at 303 polling places within 38 counties across the state, 14% of South Carolina's total polling places. Volunteers and staff picked polling places that covered urban, suburban and rural precincts. In addition, each of the four regions of the state was well-represented. We believe this sample offers a valid picture of what polling places across South Carolina look like. Surveyors came from disability rights advocacy groups, universities and colleges throughout the state, and P&A staff. Volunteers attended a one-hour training session to learn how to conduct the survey accurately.



Key Finding One: Almost two thirds of South Carolina's polling places surveyed are not accessible to all voters or do not comply with multiple federal laws, including the 2002 Help America Vote Act (HAVA), the Voting Accessibility for the Elderly and Handicapped Act of 1984 (VAEHA), and the Americans with Disabilities Act (ADA).

Accessibility of Polling Places

If a voter arrives at the polls and cannot access the building, voting area, or voting machine, the voter does not have an equal opportunity to participate in the voting process. Unfortunately, physical barriers exist for voters with disabilities at multiple locations, including parking, walkways, entrances, voting areas, ballots, and voting machines. Even if the voter is able to pass one barrier, there is no guarantee the voter will not encounter another.

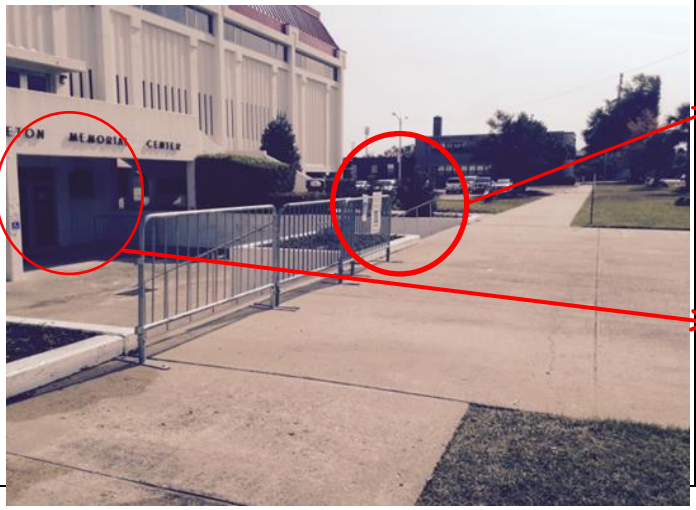


P&A found that 65% of the polling places surveyed were inaccessible. A polling place was classified as inaccessible if a major barrier existed that would exclude access to people with one or more types of disability. For example, if the location lacked a ramp, had no accessible parking spaces, or did not have a wide enough entrance for a mobility device, a voter with a disability may have been prevented from entering the polling location and voting. Other barriers deter access but may be bypassed with the help of a well-trained and helpful poll manager. For example, a location with inaccessible door handles can be accessed if a poll manager comes and opens the door.

Number of Barriers Present	***% of locations***
0	***14.5%***
1	***21.1%***
2	***16.5%***
3	***16.2%***
4	***9.6%***
5	***6.3%***
6	***5.6%***
7	***5.3%***
8	***2.3%***
9	***1.3%***
10 or more	***1.3%***

The more barriers a location has the less accessible it becomes to voters. Therefore, we also looked at the number of barriers present at each location, as seen in the table above. P&A surveyed 15 locations with eight or more barriers. Although not typical, these polling places exemplify the hardship a voter with a disability may have in order to gain access to vote. One example was a location that offered little to no accessibility for people with disabilities and had twelve barriers. P&A conducted surveys at this location during both the 2012 and 2014 elections. Comparative data from both surveys confirms almost no improvements to increase accessibility.

- The first barrier a voter may encounter at arrival is locating accessible parking. One polling location P&A surveyed is located at a large auditorium on a college campus. The only accessible parking spaces are not located near the entrance of the building in which the voting is located.
- The second barrier a voter will encounter is a set of stairs that lead to the voting entrance and sign-in table (as seen below). No ramp is available to assist these voters in entering the voting area.
- If a voter is able to climb the stairs to the voting entrance, they will encounter a similar problem after signing in. The voting machines are on a different level of the building from the sign-in table, which requires voters to climb an additional set of stairs. No ramps, elevators, or other assistive technology is available in the building, or if it is, the poll managers are unaware of it.
- The next barrier is that the polling location does not provide any area for a voter to rest along the path of travel from the sign in area to the voting machines. In an area that required extensive travel, a rest area would be especially important to accommodate all voters' needs and welfare.
- If the voter is unable to make it to the stairway or down the steps to the voting area, the voter cannot use curbside voting, as it is not offered at this location.
- Additional smaller barriers existed in the pathways or voting areas. An example is the lack of a voting machine table at the appropriate height to accommodate a voter with a wheelchair. Additionally if voter information is posted too high on a wall, a voter with a wheelchair cannot read it.



This is the first set of stairs that a voter would climb to enter the voting area. No ramp is provided.

This is the only marked entrance to the voting area. There is no sign indicating it is accessible.

29% of polling locations surveyed did not have a van accessible parking space with an access aisle.

Parking

According to the ADA Checklist for Polling Places, accessible parking must be provided for voters with disabilities and be located close to the accessible entrance. The total number of parking spaces in the parking lot dictates the number of accessible parking spaces and van accessible parking spaces each location must have. All parking lots should be equipped with a minimum of one space that is van accessible with an access aisle, which provides space for a person to transfer to a mobility device such as a wheelchair or walker. In addition, the surface of this area "must be relatively level, clear of gravel or mud and the surface must be in good condition."[15]

[15] Solutions for Five Common ADA Access Problems at Polling places; US Department of Justice, 2014 http://www.ada.gov/ada_voting/voting_solutions_ta/polling_place_solutions.htm

Of the 303 locations surveyed, we found that 29% did not have van accessible parking spaces with a marked access aisle and 9% of locations did not have even one designated accessible parking space marked with a sign. Sixteen percent did not have the accessible parking located close to the accessible entrance and 15% did not have solid and slip resistant parking areas and/or walkways. Parking is considered a major barrier because if a voter cannot find a place to park and safely exit the vehicle, it would be nearly impossible to enter the polling place to cast the ballot.

This polling place has a parking lot that is uneven and made of grass and dirt.

This polling place has a grass lot which is relatively level; however, a large (2¼ inch) change in level exists where the concrete walkway meets the parking area. The ADA states that changes in level should be no more than ½ inch.[16]

[16] Solutions for Five Common ADA Access Problems at Polling places; US Department of Justice, 2014 http://www.ada.gov/ada_voting/voting_solutions_ta/polling_place_solutions.htm

POSSIBLE SOLUTION: The ADA Checklist suggests making accessible parking by using signs, cones, and adding a temporary curb ramp. Polling locations without solid surface parking areas or walkways such as those with grass, gravel, sand, or mud need to be moved to new accessible locations.

Walkways

There must be at least one accessible route from the parking area to the accessible entrance at each polling location. Sidewalks and walkways must connect from the parking areas to the entrance and "must be stable, firm and slip resistant."[17] Without this route the voter may not be able to travel safely from the car to the voting machine. This accessible route, per the ADA Polling Place Checklist, must be at least 36 inches wide, have no steps, steep slopes or objects that may become a barrier for someone to pass.

In this survey, we found that 19%, nearly one in five locations, did not have a clear and level route of travel from the accessible parking spaces to the entrance. Ten percent of locations did not have a clear path for a person who is blind or had low vision (i.e. no wall mounted boxes, etc. sticking out into the pathway). Some of these barriers are permanent barriers that exist at the location, while others are temporary and can easily be removed.

In this picture, you can see the obstacle made by a gap in the concrete walkway. The gap produced a 4-inch change in level between the dirt and concrete.

[17] Solutions for Five Common ADA Access Problems at Polling places; US Department of Justice, 2014 http://www.ada.gov/ada_voting/voting_solutions_ta/polling_place_solutions.htm

At this polling place a poll manager placed a barrier in the walkway. The barrier is in the middle of the curb cut from the parking lot, blocking access for a voter using a mobility device such as a wheelchair.

POSSIBLE SOLUTION: Poll managers need to evaluate all polling locations for accessibility well before they open. The ADA checklist suggests providing an alternate accessible route or entrance and clearly marking the new pathway with a sign. In addition, placing temporary plates on top of unleveled areas can make them even, as long as they adhere to ADA guidelines.

1 in 4 polling places surveyed was inaccessible because the location lacked a ramp where needed or a had an unsafe ramp.

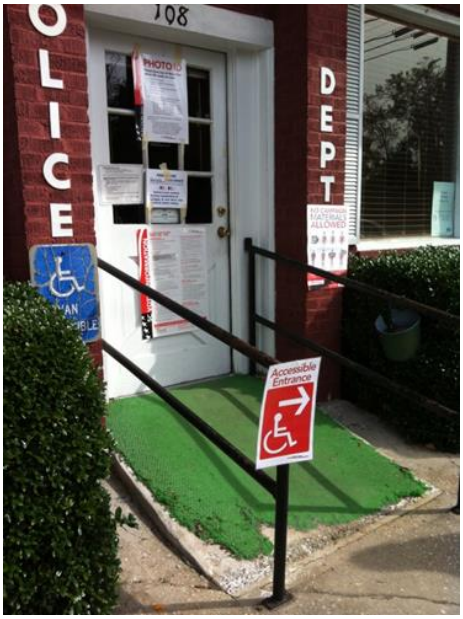
Ramps

According to the ADA, ramps should be stable, not too steep, and have handrails on both sides when the slope is more than 6 inches.[18] In this survey, we found that 13% of polling locations needed a ramp in

[18] ADA Checklist for Polling Places; US Department of Justice, 2004 http://www.ada.gov/votingck.htm

order for the location to become accessible, and that 15% of locations had an existing ramp that was unsafe or unusable. This classified one in four polling places surveyed as inaccessible because of the lack of a needed, safe, or usable ramp.

This ramp was marked as inaccessible because it was too steep to be safe. Per the ADA, ramps should have a slope no greater than 1:12 (no more than a one inch rise for every 12 inches horizontal travel); and ramps should have a level landing area at the top and bottom of the ramp. The accessible entrance sign appears to point to another entrance although the surveyor noted that no other entrance was available.



POSSIBLE SOLUTION: The ADA checklist suggests providing an alternate accessible route or entrance that does not need a ramp and clearly marking the new pathway with a sign. Another solution is to bring temporary ramps to the polling place for use during the election.

Entrances

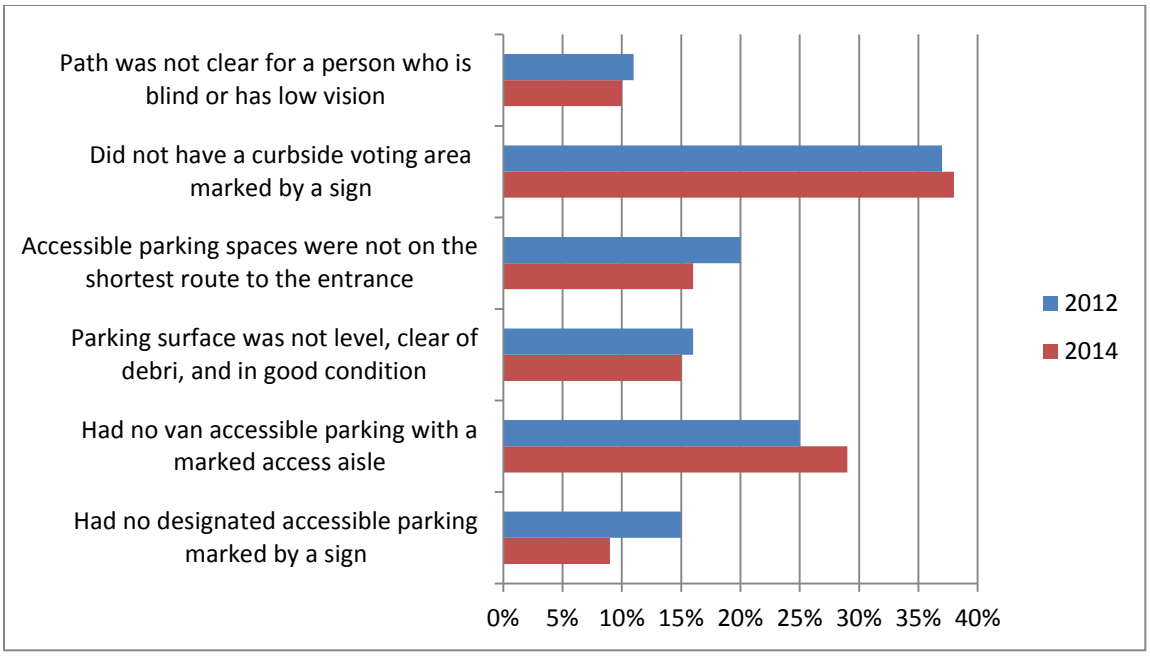
All polling places must have at least one accessible entrance. This entrance must connect to the accessible route from the parking lot on the outside and to the accessible route to the voting area on the inside. This entrance should remain unlocked at all times. If the entrance being used that day is not accessible, then a different entrance may be used; however, it should include clear and well-marked signs to direct voters. The entrance should also be at least 32 inches wide and include door handles that are accessible (usable with one hand without twisting and/or using a tight grasp). We found that 16% of locations surveyed did not have a sign marking a separate entrance when needed, 7% did not have the separate accessible entrance unlocked, 5% did not have doorways wide enough to be accessible, and 20% of locations did not have accessible door handles.

This entrance was marked inaccessible because it includes a step into the doorway and does not have an ADA approved door handle that can be easily opened with one hand without using a tight grasp.

In this picture a poll manager created a barrier for voters when propping the door open with a large pot, leaving an opening less than 32 inches, which is too narrow for a mobility device to pass and easy for a voter to trip over.

Overall, in this survey, we have seen a high level of physical barriers present at polling locations affecting the ability of a person with a disability to have access to vote. Problems exist in the parking areas, pathways, curbside area, and entrances. P&A compared these results to the results of a similar study P&A conducted in 2012.[19] The graph below shows that little progress has occurred and that there has even been regression in some areas.

[19] http://pandasc.org/wp-content/uploads/2012/12/SURVEY-ACCESS-REPORT-2012.pdf



Key Finding 2: Despite clear state laws, federal recommendations, and SC State Election Commission guidance, one in four polling sites surveyed did not provide curbside voting.

Curbside Voting

South Carolina Law[20] states that voters who have disabilities or are unable to stand in line due to age are eligible to vote curbside. The SEC states in its Poll Manager's Handbook[21] that, "Curbside voting signs must be displayed in the designated curbside parking area. Managers should constantly monitor the curbside parking area at intervals of no more than 15 minutes." If followed, South Carolina's curbside voting program would present itself as an option for a voter with a disability.

Recently the Department of Justice published a technical assistance paper that gives states guidance on how to implement curbside voting. This paper states, "in order to be effective, however, the curbside voting system must include (1) signage informing the voters of the possibility of voting curbside, the location of the curbside voting, and how a voter is supposed to notify the official that she is waiting

[20] S.C. Code Ann. §7-13-771 (Supp. 2014)
[21] http://www.scvotes.org/files/PMHandbook/SEC%20MNL%201100-201404%20Poll%20Managers%20Handbook.pdf

curbside; (2) a location that allows the curbside voter to obtain information from candidates and others campaigning outside the polling place; (3) a method for the voter with a disability to announce her arrival at the curbside (a temporary doorbell or buzzer system would be sufficient, but not a telephone system requiring the use of a cell phone or a call ahead notification); (4) a prompt response from election officials to acknowledge their awareness of the voter; (5) timely delivery of the same information that is provided to voters inside the polling place; and (6) a portable voting system that is accessible and allows the voter to cast her ballot privately and independently." P&A finds items 1, 3, 4 and 6 of particular relevance in South Carolina.

Number 1: We found that one fourth of all locations surveyed did not have a sign indicating that there was a curbside voting area. In addition, as discussed in the following section, Key Finding 3, we found signs that did exist but were hard to read and confusing to voters.

Number 3: We found that only 38% of the locations have a system in place such as a poll manager placed outside or a doorbell system to monitor constantly when a voter arrives in the designated curbside voting area.

Number 4: In this survey, we did not measure the time it took for a poll manager to respond to a voter's arrival in the curbside voting area. In previous P&A reports, we found that around 40% of locations did not provide a response within 15 minutes.[22] However, in this report many surveyors documented incidents indicating that curbside voting is still not monitored in many locations, leaving a prompt response impossible.

> "The curbside voting sign states 'every 15 minutes.' I was there from 5:45 to 6:05 and did not see anyone go out and check. During that time, a vehicle was waiting, but left." – P&A Surveyor

> "As I was taking the survey outside looking for the curbside voting sign that wasn't posted, a gentleman in his car asked me if I worked there. He was looking for curbside voting and had been sitting there 'a while' and even flashed his lights." –P&A Surveyor

[22] http://pandasc.org/wp-content/uploads/2012/12/Polling-Place-Accessibility-Report-Lexington-County.pdf

At one location, a surveyor documented a doorbell system in use (see picture below). This allowed the voter to let the poll manager know when they needed curbside assistance by pressing a button. This system, if well placed where voters can easily reach it from their vehicles, should work effectively as a monitoring device.

Number 6: South Carolina has portable voting machines to use during curbside voting. However, we have found multiple examples where either the way in which it is used or the machine itself has not allowed curbside voters to cast their votes privately and independently.

> "While surveying this location, I observed a vehicle waiting in a random spot (not reserved accessible parking/ curbside voting) for curbside assistance. I observed two poll managers come out to the voter's vehicle with the machine and place it on the voter's lap, providing assistance and blocking the sun with their hands so that the voter could place their ballot. There appeared to be no privacy for voter as the poll manager did not look away while voter was voting."—P&A Surveyor

> "Once outside, the poll worker used his lap as a table for the machine, but he did not have any way to provide privacy [for the voter] in this position."—P&A Surveyor

Under no circumstances should a voter's disability mean that the voter must give up the right to vote privately. If a poll manager watched while each voter at a precinct voted, there would be outrage and accusations of voter intimidation would most likely follow. So why is this practice considered acceptable when the voter has a disability?

Example of a doorbell system that allows a voter to announce their arrival at curbside.

At two locations in Florence county, the surveyor found that in order to receive curbside assistance a voter must call a phone number from inside the car. This creates barriers for voters needing curbside assistance who do not have a cell phone.

POSSIBLE SOLUTIONS: Either the General Assembly should amend the Election Code to establish specific requirements for curbside voting, or the SEC should promulgate regulations to ensure the availability of curbside voting.

Key Finding 3: Voters are confused on Election Day due to a lack of consistent and readable signage at polling places. Voters are often uncertain where they should go and what accessible accommodations are available to them.

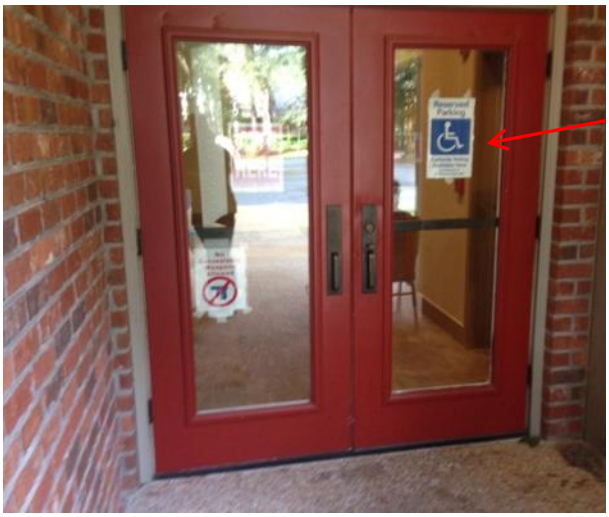
Throughout this survey, we found that a large number of locations had no signs, hard to read signs, badly placed signs, and at times signs that made no sense. These signs affected voters' ability to park, travel to the entrance, vote curbside or understand other parts of the electoral process.

One sign we consistently found problems with was the accessible entrance sign. According to the ADA checklist,[23] polling locations should have this sign if there is a separate accessible entrance in order to mark the direction of the entrance. We often found multiple accessible entrance signs at a polling

[23] ADA Checklist for Polling Places; US Department of Justice, 2004 http://www.ada.gov/votingck.htm

location pointing in different directions at once or that pointed in the opposite direction from the accessible entrance. The 2014 edition of the South Carolina Election Commission Poll Managers Handbook[24] states that all polling locations must display a sign for curbside voting in the designated parking area. However, we found that 25% of polling places (74 locations) did not have a sign. In addition, we found that the signs that existed were often hard to read, hard to find, and not well placed.

This curbside assistance sign has such small print that when you are in the parking lot the only thing that you can make out is the universal accessibility symbol. The important information the sign displays about curbside voting is unreadable, thus most voters would see this and assume it is a parking designation.



This curbside assistance sign was placed on the front door rather than in the parking area. A voter in the parking lot would not be able to see it and would not know where to park for curbside assistance.

[24] http://www.scvotes.org/files/PMHandbook/SEC%20MNL%201100-201404%20Poll%20Managers%20Handbook.pdf

This curbside assistance sign uses a designated accessible parking space. We found this to be a common problem. Designated accessible parking spaces should not be used for curbside voting, as this takes away a needed and ADA-regulated accessible parking space that includes features that help someone with a disability exit the vehicle safely.

This curbside voting sign is well-placed in a designated area with a large sign that is easily readable from the parking area.

POSSIBLE SOLUTIONS: Signs used by the SEC need to be consistent, be large enough so that they are visible from the road if needed, and have large enough type so that all voters can read them. In addition, the SEC needs to ensure that County Election Administrations and poll managers understand that curbside voting locations cannot take the place of accessible parking spaces, but instead if needed should be located adjacent to the accessible parking spaces.

Key Findings 4: County Election Administrations and poll managers often do not know or understand current laws and policies affecting voters with disabilities. The result is that many voters with disabilities are disenfranchised on Election Day.

Voters with disabilities have the right to vote independently or with assistance, when needed. To ensure that voters with disabilities are able to practice their right to vote, County Election Administrations and all poll managers must be well trained and equipped to accommodate the individual needs of a voter.

Poll managers who are not prepared to provide assistance to a voter with a disability may inhibit that individual from voting. Additionally, lack of awareness and insensitivity to the needs of voters with disabilities may not only offend a voter with a disability, but may be illegal discrimination. The ADA states that election staff and volunteers should receive training on interacting with and making accommodations for people with disabilities.[25] This includes, but may not be limited to:

- Understanding how to connect auxiliary aids to accessible machines (such as ear phones for audible instructions for a person who is blind or has low vision)
- The process required to assist voters with curbside voting
- Being available for assistance with the voting process upon request of a voter
- Ensuring adequate accessibility into and throughout the polling location
- Understanding that service animals are allowed to accompany voters with a disability

Throughout the state the survey showed inconsistencies in the treatment of voters with disabilities. Unfortunately, some poll workers have erroneous beliefs and assumptions about people with disabilities. These assumptions depict common incorrect myths about people with disabilities:

MYTH: "We don't have any of those [people with disabilities] here so we don't need to do that."- South Carolina Poll Manager

FACT: Any person can gain a disability at any time in life and people with disabilities can relocate to a new voting precinct at any time. To assume that just because a person with a disability did not come to a polling location during the last election does not mean that he or she might not come during this election. Not every disability is immediately obvious; for instance, someone with heart disease might be able to stand only for limited periods of time.

MYTH: "People who need assistance know where to go for help." –South Carolina Poll Manager

FACT: If you are a first-time voter, a long-time voter with a new disability, or have recently changed voting precincts, you would not know where to go.

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[25] http://www.ada.gov/ada_voting/ada_voting_ta.htm

MYTH: "Individuals [with disabilities] never come alone to vote." **–South Carolina Poll Manager**

FACT: People with disabilities are able to live, travel, and vote independently. They have a legal right to do so.

MYTH: **"A voter who needs to use curbside voting will come in and let us know." – South Carolina Poll Manager**

FACT: Voters with disabilities who can drive to a polling location independently still may have a hard time getting out of their vehicle and traveling to the voting area. Voters with disabilities who need to use curbside voting should never have to go inside to tell a poll manager they are there.

Voters should not experience discrimination at their polling place. In addition to poll managers not being trained on how and why to give accommodations for people with disabilities, we witnessed discriminating remarks such as,

> ***"While I was there a lady came in to ask for curbside. The poll manager asked one of the workers to take the machine outside and he jokingly responded 'I have to do this again?!' The lady asking for assistance could hear all of this take place."-P&A Surveyor***

Possible Solutions: Training for all poll managers needs to include how to walk through the entire precinct to ensure polling locations are accessible, including signage, the parking lot, entrances, and voting areas. Staff and poll managers need to be trained on how and when to assist voters with disabilities. Poll managers need to have additional training on disability awareness and communication skills by qualified organizations.

Conclusion

Accessibility problems at polling locations are not new. The Voting Accessibility for the Elderly and Handicapped Act of 1984 has existed for 30 years, yet 65% of polling places surveyed in the South Carolina 2014 general election were found to be inaccessible. The most recent response from the federal government, the 2002 Help America Vote Act, was design to ensure that changes would be made to the electoral process to secure the rights of voters with disabilities. Although many changes have been instituted, this high percentage of inaccessible locations show that South Carolina has far to go to provide true access to 630,600 citizens with disabilities.

Recommendations

1. County Election Administrations are responsible for ensuring that their polling places are accessible. County Election Administrations must be trained on how to conduct polling place accessibility surveys and every polling place in each county must be evaluated on a regular basis. Either those places found inaccessible must be made temporarily accessible on Election Day or relocated to accessible locations.
2. The SEC must ensure that curbside voting is implemented consistently across the state. The SEC must promulgate regulations for curbside voting, including penalties for noncompliance. Both the SEC and the County Election Administrations need to review and implement the Department of Justice's most recent recommendations on curbside voting practices.
3. Consistent, clearly readable, and well-placed signage must be available at every polling location across the state to assist all voters in the electoral process. The SEC should set standards and regulate the use of these signs at polling places across the state.
4. Training for County Election Administrations and poll managers must include information about the rights of voters with disabilities, laws, best practices, and the rights of people with disabilities. Training should also include information about how best to interact with and accommodate voters with all types of disabilities.

P&A will continue to survey local and statewide elections. We hope our next report will show that voters with disabilities have finally become equal citizens.

Appendix

POLLING PLACE ACCESSIBILITY SURVEY

Polling Place Name: _____ County: _____ Date/Time:_____

Address of Polling Place: _____

Surveyor's Name: _____Phone/ Email:_____

Have you submitted any pictures that go with this survey? ___ Yes ___ No *(submit to Knowles@pandasc.org)*

What type of location was this: __ School __ Fire house __House of Worship __ Community Center __ Other__

	Parking and Curbside Voting			
1.)	Are there designated accessible parking spaces?	**Yes**	**No**	
2.)	If yes, do they have visible signs (paint marking not required) that you can see while driving through the parking lot?	**Yes**	**No**	**NA**
3.)	Is there a parking space that is van accessible for lifts with a marked access aisle?	**Yes**	**No**	
4.)	Are the accessible parking spaces on the shortest route to the voting entrance?	**Yes**	**No**	
5.)	Is the parking lot and walkway surface solid, firm and slip resistant?	**Yes**	**No**	
6.)	Is there a "curbside voting" area marked by a sign?	**Yes**	**No**	
7.)	Is there a poll worker positioned at the curbside voting area or is there a system in place (such as a bell) to let the poll worker know a voter is there?	**Yes**	**No**	
8.)	Does the polling place provide an accessible drop off area close to the entrance?	**Yes**	**No**	
9.)	Is there a clear and level route of travel from the accessible parking spaces to the entrance with no stairs, curbs or other physical barriers?	**Yes**	**No**	
10.)	Is the path of travel from the parking area to the door clear for a person who is blind or has low vision (no wall mounted boxes, signs, plants etc.)	**Yes**	**No**	
	Entrance and Doorways			
11.)	Is a ramp needed (that is not currently present) at any point in order to gain access to the voting area?	**Yes**	**No**	
12.)	If there is an existing ramp, is it stable, not too steep, and have handrails on both sides?	**Yes**	**No**	**NA**
13.)	If there is a separate accessible entrance is the path to it clearly marked by a sign?	**Yes**	**No**	**NA**
14.)	If there is a separate accessible entrance is the door unlocked?	**Yes**	**No**	**NA**
15.)	Does the entrance door (as well as any other doorways a voter must pass through) open at least 32 inches wide?	**Yes**	**No**	
16.)	Are door handles easily opened with one hand without grasping or pulling hard? *(this question can be answered NA if the doors are propped open)*	**Yes**	**No**	**NA**
17.)	Are the doors lightweight and easily opened with one hand? *(this question can by answered NA if the doors are propped open)*	**Yes**	**No**	**NA**
18.)	Has a barrier been placed in the entrance (to prop the door open) such as a trash can, planter or chair?	**Yes**	**No**	

	Voting Area			
19.)	Is the path from the entrance to the voting areas arranged in a way that makes it accessible to voters using a mobility device at least 36 inches wide with at least one area at least 48 inches wide which can be used for turnaround space?	**Yes**	**No**	
20.)	Has the voting line been arranged so it does not create a barrier that someone using a mobility device has to get around?	**Yes**	**No**	
21.)	Is the path from the entrance free from physical barriers including removable mats?	**Yes**	**No**	
22.)	Is there a place to rest while waiting in line?	**Yes**	**No**	
23.)	Is voting information posted at eye level for someone using a wheelchair?	**Yes**	**No**	
24.)	Is voting information posted in an area where everyone, including voters using a wheelchair, can see it without being blocked by a barrier such as a line of voters?	**Yes**	**No**	
25.)	Can a poll worker view the curbside voting area from the voting area or check in desk inside?	**Yes**	**No**	
26.)	Is the accessible machine at an accessible height or is there a table available to put it on that is at least 36 inches wide at the bottom and only 28 to 34 inches high.	**Yes**	**No**	

____ Total Number of Polling Machines

____ Number of Accessible Polling Machines (e.g. headphones, up/down arrow keys)

Please describe any other voting problems that you may have had or observed as well as any suggestions to improve voting accessibility at this polling place.

_____

_____

_____

_____

_____

TO RETURN THIS SURVEY, PLEASE DO ONE OF THE FOLLOWING:

(1) Fold the survey so that the return address and postage are visible, tape it closed, and mail back using our pre-paid postage (2) Fax to P&A at (803) 790- 1946 (3) Scan and email the documents to Knowles@pandasc.org (4) Place the survey in an envelope and mail to P&A at the address listed below. Thanks!

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