

Title III

✔ Title III covers private businesses and non-profit service organizations, public accommodations and commercial facilities.

✔ Many private clubs and religious organizations are exempt from providing access to the public. However, if a religious organization or private club is involved in an event that is open to the public, or is providing services to a branch of local, state or federal government, then ADA compliance is required.

Voting Accessibility for the Elderly and Handicapped Act of 1984

✔ The Voting Accessibility for the Elderly and Handicapped Act of 1984 generally requires polling places across the United States to be physically accessible to people with disabilities for federal elections. Where no accessible location is available to serve as a polling place, there must be an alternate means of casting a ballot on the day of the election. This law also requires states to make available registration and voting aids for voters who have a disability or who are elderly, including information by telecommunications devices for the deaf (TDDs) which are also known as teletypewriters (TTYs).

Help America Vote Act of 2002

✔ With the enactment of the Help America Vote Act of 2002 (HAVA), 42 U.S.C. 15301-15545, people who are elderly or who have disabilities are now entitled to even more protection and inclusion in the election process.

Disability Provisions of HAVA

HAVA promises to improve voting access to people that are elderly or who have disabilities by:

- ✔ Making accessibility grants available to states and local government to improve physical and non-visual access to polling places.
- ✔ Creating minimum standards for accessibility of voting systems that states must follow.
- ✔ Mandating that states include people with disabilities on the creation of a State Plan for compliance with the Act’s requirements; and
- ✔ Providing for funding for research on accessible voting technology.

What Is Required In An Accessible Polling Place?

What does accessible mean?

✔ Voters that are elderly or who have disabilities can fully participate in elections. They have the right to vote independently and confidentially. They have the right to be treated with dignity and respect in all aspects of the voting process.

✔ No registered voter should be denied the right to vote solely on the basis of physical or mental disability.

✔ No polling place in Alabama should be inaccessible to voters who are elderly or who have mental or physical disabilities. Legal Requirements of Accessibility.

Legal Requirements of Accessibility

✔ People that are elderly or people with disabilities have the same opportunity to full access and full participation in the voting process, including privacy and independence.

If a voter cannot get into the polling place, the voter does not have the same opportunity as other voters. Access must be provided on a permanent or temporary basis on the day of the election.

Further, if election workers treat a person with a disability in a discriminatory manner, the accessibility of the polling facility can be called into question.

Building Access

✔ **Parking:** Accessible spaces should be clearly marked. They should be located on level ground at the shortest distance to the accessible entrance to the voting facility. The number of spaces should be no less than 4% of the total number of spaces. If the facility houses other businesses on election day, the accessible spaces must be adequate to accommodate voters as well as others.

✔ **Accessible Route:** The path of travel from the parking area to the facility should be a single continuous path that is wide, smooth, as level as possible, without low or overhanging hazards or obstructions, and should not require the use of stairs.

✔ **Signage:** Signs are required to direct the public to the location of accessible parking and passenger drop off points. Signs are needed to direct and identify accessible entrances and should include the international symbol of accessibility in easy to read typefaces, and be large enough to be read from a distance. The word “Handicapped” should not be used.

✔ **Curb Ramps:** Curb ramps or “cuts” are level changes created by curbs. A curb ramp that is ADA compliant must have slopes no steeper than 1 in 12. They may have flared sides that slope as steeply as 1 in 10 if the flare is not directly in the pedestrian path of travel, perpendicular to the curb ramp. Many manufacturers now make portable ramps designed for use at temporary events. It is critical that the ramp be designed not to move or shift from frequent use and is securely attached so a person would not tip over or fall out of a wheelchair or scooter. Many civic organizations have constructed temporary ramps for disability groups at no cost.

✔ **Sidewalks:** Since the law requires accessible routes from parking and other areas, both the design and surface condition of the routes are critical. Routes may have several changes of surface material along the way, for example, grass to gravel to asphalt to concrete to

brick. Small abrupt level changes often occur at material changes that may pose tripping hazards or obstacles to someone using a wheelchair. All abrupt vertical changes greater than 1/2 inch should be repaired or, where appropriate, should have small bevels installed to create gradual transitions.

✔ **Natural Surfaces/Ground and Floor Surfaces:** Gravel, grass, crushed stone or other natural surfaces with loose debris can be hazardous to people that use wheelchairs, walkers, or who have an unsteady gait. There are many products available to provide a safe and stable surface over gravel, sand, grass or wet areas. Synthetic matting, interlocking rubber tiles, portable sidewalk material, as well as low profile, perforated plastic mats or non-slip rubber doormats can be used to provide a safe surface for access to the polling place.

✔ **Grates and Grills:** A grate or grill located in the accessible route must not have any openings wider than 1/2 inch in the direction of pedestrian travel. Openings any larger can catch the tips of crutches, canes, walkers, and wheelchair casters causing the person to fall or a wheelchair to tip.

✔ **Carpet:** Soft carpets with thick pads or loose weave carpet is a common problem in many buildings. Where large numbers of people with disabilities are expected, and/or where travel distances over soft carpet are long, some accommodation should be made.

✔ **Doors:** Doors must be wide enough for a wheelchair to pass through, with doors that are easy to open and close. Doors should not be less than 32” wide. In some circumstances, double doors with a middle divider can create a barrier. Doors may be temporarily removed, or door hinges can be replaced with offset hinges that provide greater clearance. Doors should be lightweight, and have proper handles so people who have limited strength or use of their hands can enter. If this is a barrier, doors can be propped open, or poll workers can simply open the door for people who need this accommodation.

Inside the Building

✔ **Signs:** Signs inside the building should be simple, very clear and easy to read. The lettering (font used) should be simple, large, and in high contrast with the background. Printed instructions should be at least 18-point type. Pictures or symbols help everyone. For people with vision impairments, voting instructions should be in a “close-up” location. The instructions should be placed in an area low enough to read if sitting in a wheelchair. It would be helpful to have a hand-held magnifying glass for elderly voters or voters with vision impairments to use.

✔ **Protruding Objects From Walls:** There should be no objects protruding more than 4” from the wall in the pathway of voters. If an exit sign or fire extinguisher is in the path of travel, it could be hazardous to someone who has a visual impairment. A solution could be to place a chair or plant, or other object directly under the protruding object.

✔ **Non-slip Floors:** Floors should be non-slip and area rugs should either be secured or removed.

✔ **Tables and Seating:** Tables used by people using wheelchairs should be at least 29” high, 30” wide and 19” deep (27” under the table to the floor). Forward and side reach limits of people that use wheelchairs can be critical for using voting machines, switches or other controls. There must also be appropriate clear floor space for approach to the table. Seating should be provided for elderly voters or voters that need to sit down to perform any task such as writing. Chairs with high seats and armrests are preferable.

✔ **Information Tables:** These spaces must be accessible, both in the design and in the information provided. A section of the counter or desk should be available that is no higher than 36” and at least 36” long so people seated in wheelchairs and people with short stature can get or review information. Workers located at information or check in tables should have a thorough knowledge of accessible features and services and a general sensitivity to disability issues.

✔ **Voting Materials:** Under HAVA, voting systems, voting mechanisms and the physical act of casting votes by voters, both in-person and absentee must be accessible. Accessible means that voters with disabilities have the same opportunity for participation, including privacy and independence as other voters. Voting materials will have to be provided in alternative formats, which may include audiotape explanations of ballot content and instructions on how to cast a ballot or use a voting machine.

Personal Access

✔ Barriers to voting can include the way election workers interact with elderly voters or voters with disabilities. Many people with disabilities assume that voting at a polling place is inaccessible, and may cast absentee ballots to avoid embarrassment.

Voters who are elderly or who have disabilities should be encouraged to participate in the voting process in the manner in which they choose. Since people with disabilities have different individual needs, it is difficult to predict all accommodations that could be provided.

Election officials and workers must be educated in order to understand disability and accommodations.

✔ People with disabilities should be viewed in terms of the whole person and not just the disability. Many people will need extra time to move, speak, perform a task, or participate in the voting process. The behavior of some people with developmental or cognitive disabilities may be unsettling to people unfamiliar with these disabilities.

✔ People that are elderly or who have disabilities should be treated with the same dignity and respect as all other voters.

✔ Alabama Code § 17-22A-16 entitled, “Obstruction, intimidation, etc., of voting rights of others prohibited” states as follows:

It shall be unlawful for any person to obstruct, intimidate, threaten or coerce any other person for the purpose of interfering with the right of such other person to vote or to vote as he or she may choose, or for the purpose of causing such other person to vote for, or not to vote for,

any candidate for state or local office or any other proposition at any election.

Disability Awareness

✓ **Mobility Disabilities:** This includes people that have permanent disabilities as well as others who may have a temporary condition such as broken bones, illness, trauma or surgery.

People who use mobility aids encounter the most obvious access problems including maneuvering through narrow spaces, going up or down steep paths, moving over rough or uneven surfaces, and using toilet facilities.

Other people with mobility disabilities may walk with difficulty and be unable to climb stairs, walk for long distances, climb slopes, or stand for long periods of time.

✓ **Visual Disabilities**

- Partial or total vision loss.
- Can distinguish light and dark, sharply contrasting colors, or large print, but cannot read small print, move freely in dimly lit spaces, or tolerate high glare.
- Many people that are blind depend on their sense of touch and hearing to perceive their environment and communicate with others.
- People that are blind may use a cane or have a service animal or assistant to facilitate moving about.
- Problems faced by people with visual disabilities include orientation, receiving written or graphic information, using controls that are not adequately labeled, and avoiding hazardous protruding objects that they cannot detect.

✓ **Hearing Disabilities:**

- People with hearing disabilities use a variety of methods to communicate.
- People with partial hearing loss may depend on hearing aids, or as with many people who are elderly, just need a person to speak clearly and in a loud voice.
- Many people who are deaf read lips or use sign language.
- Some people with hearing disabilities may have service animals that communicate sounds that their owner cannot hear.

✓ **Cognitive Disabilities and Other Hidden Conditions:**

There are many other people with disabilities that may not be apparent from a person's outward appearance. These disabilities may affect cognitive and/or learning abilities and may affect understanding, communication, or behavior. Election workers should be considerate of all people whether the disability can be seen or not.

✓ **Communication Tips with a Deaf/Hard of Hearing person:**

- Get the person's attention (tap on shoulder).
- Look directly at the person while commu-

icating.

- Talk in a normal manner - slowly and clearly. Do not yell or exaggerate.
- Write down your thoughts if the message is not being received.
- Avoid standing in front of a light source like the window or bright light if not understood at first, repeat your thought or rephrase your thought.
- Use an interpreter for the deaf to help facilitate your conversation with communication, use your body language and facial expressions.

✓ **Practical Tips - Interacting with Voters with Disabilities**

- Train poll workers in disability etiquette. If someone is blind or visually impaired, identify yourself and offer assistance.
- Provide magnifying devices for those who request them.
- The recommended size for "large print" is an 18 point sans serif font.
- Have a pad of paper and pen handy in case someone is deaf or unable to speak.
- If the accessible entrance is not obvious, provide directional signs that meet ADA standards.
- Provide a private voting station with a maximum height of 34" for wheelchair users and people who need to sit.
- Make provisions to ensure walkways are free of hazards like ice, snow, leaves, or other debris on the day of election.
- Complete the Department of Justice's Check list (or equivalent) to identify any physical barriers.

✓ **Service Animals Welcome!**

- A "service animal" is usually a dog, that is individually trained to perform specific tasks for the benefit of a person with a disability.
- Examples: guiding a person who is blind, alerting a person who is deaf, picking up objects for a person who uses a wheelchair.
- A service animal is NOT a companion or emotional/ therapy animal under the ADA and may be denied access to public places.
- Some, but not all, service animals wear special collars and harnesses.



Alabama Disabilities Advocacy Program

Box 870395
Tuscaloosa, AL 35487-0395
205-348-4928 (V/TDD)
205-348-9484 (TTY/local)
800-826-1675 (V/TTY) (in-state only)
205-348-3909 (fax)
Web: www.adap.net
E-mail: adap@adap.ua.edu



ADAP's Mission

The Alabama Disabilities Advocacy Program (ADAP) is part of the nationwide federally mandated protection and advocacy (P&A) system.

ADAP's mission is to provide quality, legally-based advocacy services to Alabamians with disabilities in order to protect, promote and expand their rights.

ADAP's vision is one of a society where persons with disabilities are valued and exercise self-determination through meaningful choices, and have equality of opportunity.

ADAP's advocacy efforts are governed by these values:

- *Persons with disabilities should have the same opportunity to participate in the community as persons without disabilities.*
- *Persons with disabilities have the right to reasonable accommodations that are needed for full participation.*
- *Persons with disabilities have the right to be afforded meaningful choices and to make informed decisions.*



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Voting Rights For People with Disabilities

✓ People that are elderly and people with disabilities have faced many different barriers throughout history that interfere with their fundamental right to vote.

They may choose not to participate in the voting process because of their reluctance to ask for help.

They may want to avoid the extra attention given, or the embarrassing situations that can occur when strangers want to help.

✓ Elderly voters and voters with disabilities want to participate in elections, but their participation should be the same as other voters - free of any barriers that fail to allow them to vote independently and confidentially.

✓ Alabama recognized the needs of these individuals and passed legislation in an attempt to ensure that all barriers were removed to allow every qualified voter the opportunity to vote. (1)

(1.) Ala. Code § 21-4-20 et. seq. The article was enacted in 1985 to ensure the fundamental right to vote by requiring registration and polling places for state elections to be readily accessible for people that are elderly and for people that have disabilities.

Federal Laws Protect the Rights of People who are Elderly or who have Disabilities

The Americans With Disabilities Act of 1990

✓ The Americans With Disabilities Act of 1990 (ADA) prohibits discrimination against qualified people with disabilities. The law guarantees access to programs and services run by the state and local governments. The ADA is comprised of five sections or "titles" that cover different aspects of non-discrimination.