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INSIGHT INTO THE LATEST SOCIAL, FINANCIAL AND POLITICAL MOVEMENTS SHAPING AMERICA'S COMMUNITIES



## Civil Disability

As midterm elections approach, the U.S. Department of Justice is enforcing improved polling place accessibility in jurisdictions across the country

By Jason Axelrod

**O**n November 18, American citizens nationwide will flock to their local polling places to vote in the U.S. midterm elections. However, many citizens will encounter obstacles in doing so. Some may even leave those places without being able to exercise their voting rights.

Although the Americans with Disabilities Act (ADA) was passed 28 years ago, citizens with disabilities still face many difficulties with voting in-person. During the 2016 general election, 60 percent of a sample of 178 polling places were found to have at least one feature that could impede people with disabilities from voting, a U.S. Government Accountability Office (GAO) study shows. That's an improvement from the findings of past GAO studies during the 2000 and 2008 elections, too.

"I don't think there's a deliberate campaign to deny people with disabilities access to voting," says Lisa Schur, an associate professor at the Rutgers University School of Management and Labor Relations who specializes in disability research. "I think that [the reason is] ignorance, negligence, it's not on the radar."

An ongoing U.S. Department of Justice (DOJ) initiative is helping to enforce better polling place accessibility across the country. Launched in 2015, the ADA Voting Initiative is carried out in collaboration with U.S. attorneys' offices nationwide to guarantee that people with disabilities have an equal opportunity to vote as those without disabilities do.

As part of the initiative, U.S. attorneys' offices survey a portion of a county or city's polling places during elections to determine compliance with federal accessibility guidelines. If a local government's polling places do not meet federal accessibility standards, the U.S. attorney's office typically brokers a settlement with local administrators to ensure that local polling places are brought up to federal accessibility standards by a given date, according to DOJ documents.

"We're working collaboratively with the counties," says Michael Butler, an assistant U.S. attorney and the civil rights coordinator

for the U.S. Attorney's Office for the Middle District of Pennsylvania. "When I first go to the county to tell them about it, I tell them that, 'we're not here to 'get you,' we're not here to make your lives miserable. We're just here to help those with disabilities and help you come into compliance.'"

Butler's office has settled with three Pennsylvania counties over the past two years: Dauphin, Cumberland and Luzerne. Investigated jurisdictions are chosen at the discretion of U.S. attorneys' offices; Butler chose the three counties after viewing a documentary that identified them as having accessibility issues for voters with disabilities.

The U.S. Attorney's Office for the Middle District of Pennsylvania surveyed 52 of Luzerne County, Pa.'s 180 polling places during the Nov. 3, 2015 general election and found many to have accessibility barriers for those with disabilities, DOJ documents show. The comprehensive ADA polling place checklist that U.S. attorneys use when surveying polling places is readily available on the ADA's website.

Butler subsequently met with county officials to present the survey's findings and detail the settlement agreement into which his office wanted the county to enter, according to Mike Butera, a private attorney who works part-time as an assistant county attorney for Luzerne County.

Butera recalls few complaints about Luzerne County's polling place accessibility over the preceding several years, and he says that county officials rectified the issues whenever a complaint materialized.

"I've been an assistant county attorney for [many] years, and it was never the intention of Luzerne County to ever not be ADA compliant with any polling place. We've always tried to be compliant," he says. "We naturally told [Butler's office] that we would cooperate 100 percent."

The settlement was made effective on Jan. 12, 2017. Under its terms, Luzerne County was to survey the rest of its polling places using current federal guidelines and correct any accessibility problems found in their survey as well as the DOJ's survey.

Luzerne County completed its survey by September 2017 with the

## Why is voter turnout lower among people with disabilities?

In the U.S., people with disabilities tend to vote less than the rest of the populace, according to a 2017 presentation that Lisa Schur gave to the National Academies of Sciences, Engineering, and Medicine. In 2016, there was a 6.3 percent voter turnout gap between people without disabilities (62.2 percent) than people with disabilities (55.9 percent).

This turnout gap between those with disabilities and those without disabilities persisted between 2008 and 2016 without significant change. It represents a sizable number of people, too — people with disabilities make up about 17 percent of voters in the U.S.

Voting by mail can offer a more accessible voting experience for people with certain disabilities. However, a 2012 national survey by Rutgers University reports that 58 percent of respondents with disabilities said they would prefer to vote in-person in the next election. The turnout gap also exists for mail-in voters.

In research from 2013, Schur suggests multiple potential reasons for this discrepancy. People with disabilities can be more socially isolated and tend to have less education and income than people without disabilities, which are all linked to lower voter turnout.

She notes in an interview that people with disabilities also tend to possess lower levels of external political efficacy, or one's belief that their government can respond to their needs. External political efficacy levels have also been linked to levels of voter turnout.

Polling place accessibility could be a contributing factor to this lower external political efficacy. In the 2012 Rutgers survey, 30 percent of voters with disabilities reported difficulty in voting at a polling place, versus 8 percent of voters without disabilities reporting such difficulty.

"Having an inaccessible polling place, not being able to participate like every other citizen, certainly sends a message that 'we don't really care whether you are part of the system or not,'" Schur says.

help of a private company called Inclusion Solutions. Accordingly, more accessibility issues were discovered.

Polling places' accessibility-related issues can be as varied as the counties and cities that administer them. But in Butler's surveying experience, many polling place issues tend to occur outside the voting areas themselves.

"Once you got in the door, the polling places were fairly open. Some of them had some problems, but not many," he says. "But it was the actual getting to the polling place that was the problem."

Some common external polling place accessibility issues include inadequate parking, ramps and signage, a DOJ document notes. The polling places of Luzerne County and Richland County, S.C. — which entered into a similar settlement as part of the ADA Voting Initiative in May 2017 — shared these issues.

Many polling places can be brought up to federal accessibility compliance just through temporary modifications. In lieu of adding permanent ramps, Luzerne County purchased temporary, ADA-compliant ramps that officials install on election days. Richland County bought cones and signs and used them to create temporary new handicap parking spaces near curb cutouts or closer to voting area entrances in larger buildings, says Rokey Suleman, director of voter registration and elections at Richland County.

Richland County also created temporary spaces to designate curbside voting, or voting outside the polling place that can also take place in cars. Curbside voting's usage differs across locales — it's popular in Richland County, but scarcely used in Luzerne County. DOJ documents state that curbside voting can't replace in-person voting under the ADA, but it should be provided when a precinct's only polling place would be inaccessible to all voters.

In a few instances, neither county could physically modify buildings in which certain polling places were housed, so officials had to relocate the polling places to other buildings.

Both Suleman and Butera agree that finding new polling places can be laborious.

The issue proves especially difficult in minute municipalities. Because a small borough in Luzerne County doesn't even have any near-ADA-compliant buildings, Butera predicts that county officials may have to spend "a lot of money" into outfitting a borough garage to bring it up to federal accessibility standards.

For Luzerne County, relocating polling places is proving to be an ongoing process, especially in preparation for their May 15 general election. In two municipalities, county officials consolidated two wards' polling places into one building in April alone, county records show.

Both counties have changed their polling place worker trainings to reflect the new practices and modifications they've implemented. The two added a new component to workers' training that focuses on ADA awareness, while targeting training at modified polling places to ensure that poll workers understand their roles there, according to Butera and Suleman.

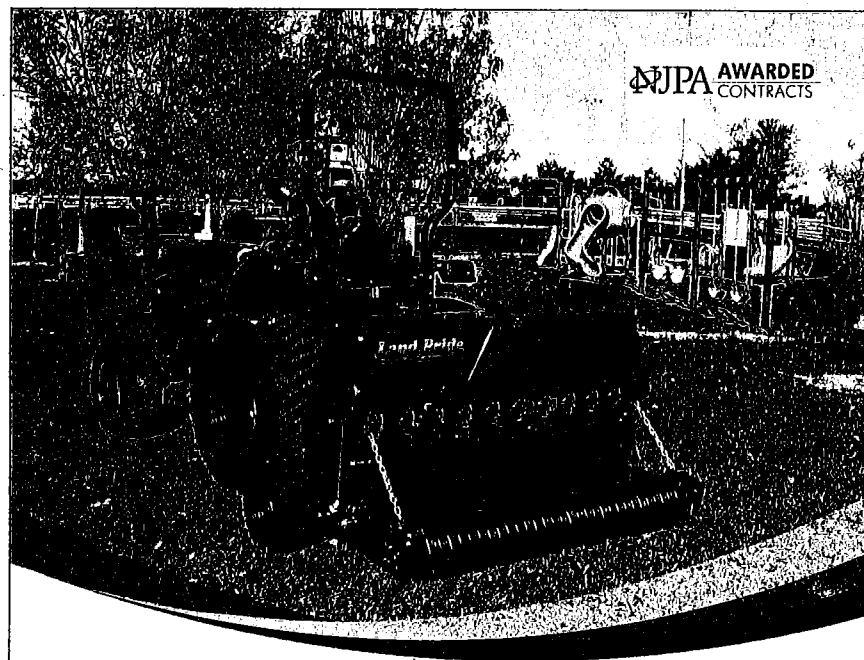
By November, Luzerne County aims to have all of the polling place issues found in the federal and initial county surveys remedied. "Hopefully, we'll have all problems mitigated by then," Butera adds. Richland County had rectified all polling place accessibility issues found in its survey and the federal survey by July 2017, according to Suleman.

Richland County is but one of 46 counties in South Carolina. While its polling places may now comply with federal accessibility standards, the accessibility of nearby counties' polling places could vary widely. Schur cites this fragmentation of the U.S. voting system as a major issue in ensuring polling place accessibility.

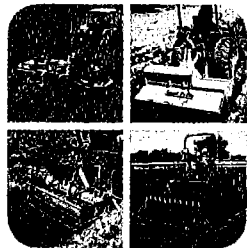
"Part of the problem is just the way the system has been set up as so fragmented," she says. "And I think having more communication and

more collaboration would be really valuable."

A DOJ news release shows that as of May 7, 2018, the DOJ has surveyed over 1,500 polling places across the U.S. and has increased polling place accessibility in over 35 jurisdictions as part of the ADA Voting Initiative.



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On  
8-7-17

Spoke to Cathy Leh at old Manitowoc County Heritage Center relative to returning to that building as a polling place for District 6. Reasons it won't work:

They have 20 employees, some of which are already parking on the street

Lots of Walk Ins – majority are elderly

Veterans Office

Medical Equipment drop off

Confidentiality

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Roller Rink

Would need mats of some sort to cover newly refinished floor. And, October through May they hold a Tuesday evening skating session

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Jackson School

I did not contact the school. We no longer have any schools as polling places. There are security issues at schools with children present and building being open until possibly 10 or 11 at night

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Cemetery Building

Steve Corbeille and I checked out the Cemetery Building. The office is really small

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Immanuel Evangelical Lutheran Church

Within 3 blocks of District 6. First Reformed United Church of Christ is in District 6 but it has been used as a polling place for District 10 for many years. I left message for Immanuel to call me back. Lots of construction on north end of that property with upcoming Waldo Blvd. reconstruction.

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Current Exit Door

This door is non-compliant. The frame is too narrow and there is a step immediately as you exit the building which is now allowed in a commercial building

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