

# Review of the Department of Justice Presentation on the ADA

Maricopa County Elections Department

Community Network

October 7, 2009



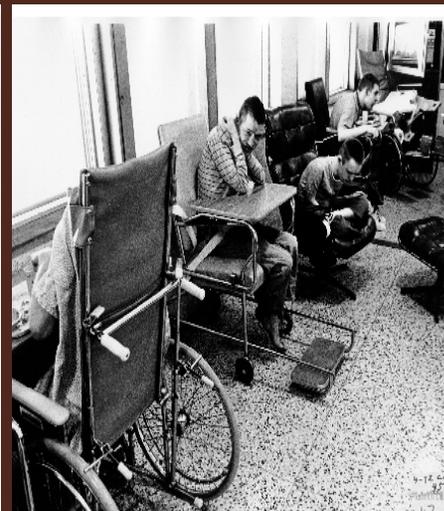
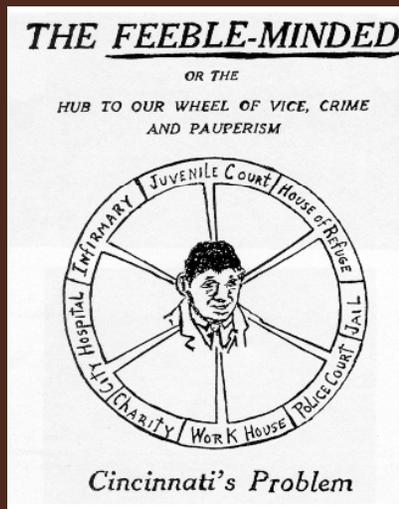
- History behind the ADA
- What the law says
- DOJ Presentation
- How does this apply to elections?
- What does MCED do to ensure compliance/accessibility?

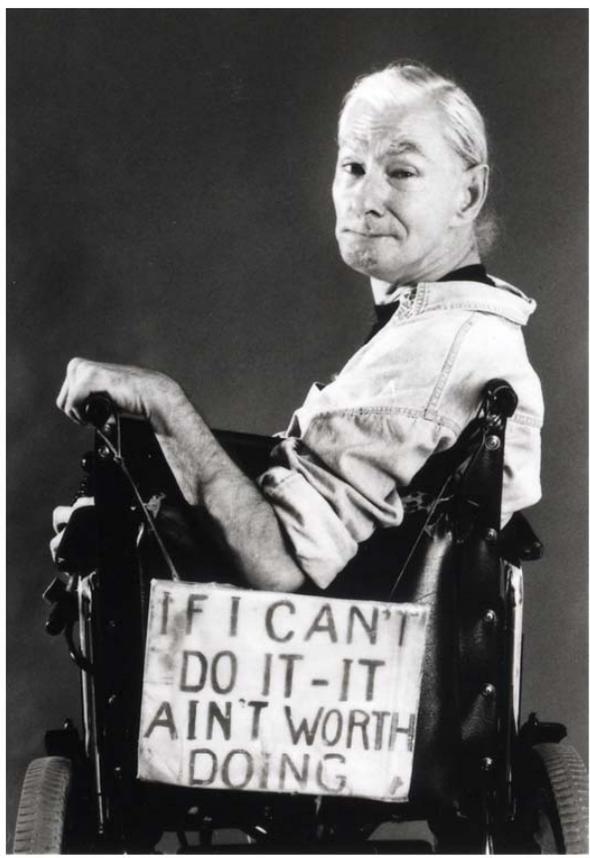




History behind the ADA

- Americans with disabilities have a long history of being secluded and, in some cases, barred from participating in mainstream life activities.
- It has only been in the last few decades that the government has attempted to remove these barriers and stigmas.
- Their struggle is a civil rights, a human rights struggle.





- "Where would the blacks be if that poor, tired lady hadn't decided to fight back and not give up her seat on the bus?" asks Campbell. "It takes someone to make a stand, someone to say, 'I've had enough.' In our case, we can't even get on the bus, let alone ride in the back." Crashing their wheelchairs through police lines and manaculating themselves to buses in acts of civil disobedience, Campbell and his fellow activists helped dramatize the need for access for people with disabilities.



- Campbell participated in a Washington, D.C. protest rally in which 70 disabled activists laboriously drag themselves up the steps of our nation's Capitol. Their efforts helped spur the passage of the Americans with Disabilities Act in 1990.



# Consciousness Raising & Out Into the Public Sphere



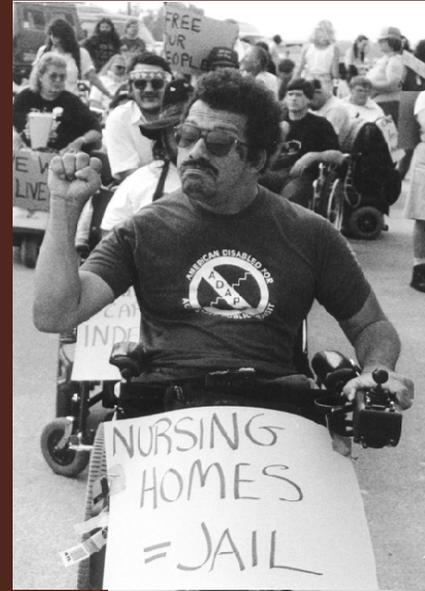
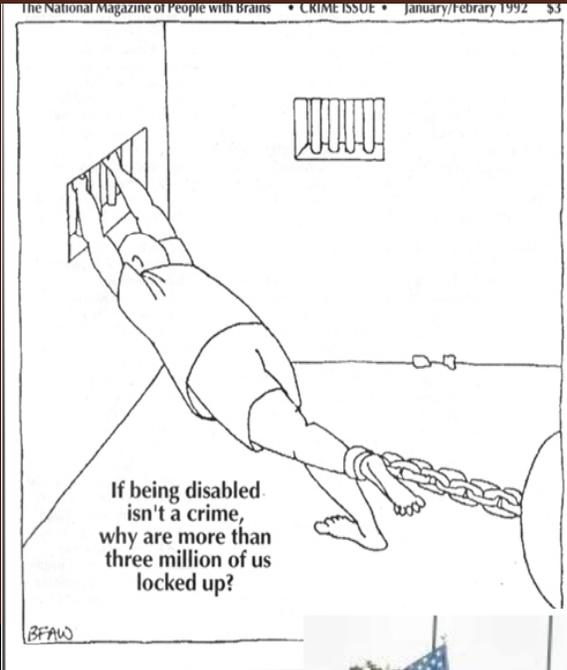
YOU GAVE US YOUR DIMES



NOW WE WANT OUR RIGHTS



We hold these truths to be self-evident, that all men are created equal,



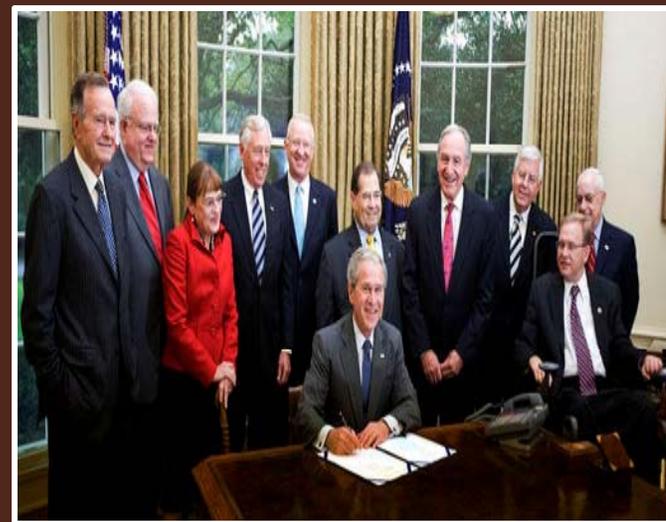


What does the law say?

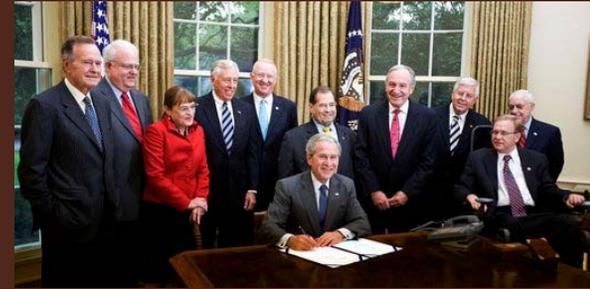


# Americans with Disabilities Act (ADA)

- Enacted by President George H. Bush in 1990
- Establishes guidelines for:
  - Employment
  - Public services
  - Housing
  - Construction
  - Communication
  - Employment
- Amended in 2008 by President George W. Bush



# Thursday, Sept. 25, 2008



- The Act makes important changes to the definition of the term "disability" by rejecting the holdings in several Supreme Court decisions and portions of EEOC's ADA regulations. The effect of these changes is to make it easier for an individual seeking protection under the ADA to establish that he or she has a disability within the meaning of the ADA.
- The Act retains the ADA's basic definition of "disability" as an impairment that substantially limits one or more major life activities, a record of such an impairment, or being regarded as having such an impairment. However, it changes the way that these statutory terms should be interpreted in several ways. Most significantly, the Act:
- Expands the definition of "major life activities" by including two non-exhaustive lists:
  - the first list includes many activities that the EEOC has recognized (e.g., walking) as well as activities that EEOC has not specifically recognized (e.g., reading, bending, and communicating);
  - the second list includes major bodily functions (e.g., "functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions");
- Clarifies that an impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active;

# Project Civic Access 2001-2006



○ Locations of settlement agreements

# Project Civic Access

- A wide-ranging effort to ensure that counties, cities, towns, and villages comply with the ADA by eliminating physical and communication barriers that prevent people with disabilities from participating fully in community life.

**SETTLEMENT AGREEMENT BETWEEN**

**THE UNITED STATES OF AMERICA**

**AND**

**THE CITY OF FLAGSTAFF, ARIZONA**

**DEPARTMENT OF JUSTICE NUMBER**

**204-8-163**

**SETTLEMENT AGREEMENT BETWEEN**

**THE UNITED STATES OF AMERICA**

**AND**

**CITY OF SEDONA, ARIZONA**

**UNDER THE AMERICANS WITH DISABILITIES ACT**

**DJ 204-8-198**

**SETTLEMENT AGREEMENT BETWEEN**

**THE UNITED STATES OF AMERICA**

**AND**

**THE CITY OF TUCSON, ARIZONA**

**UNDER THE AMERICANS WITH DISABILITIES ACT**

**DJ 204-8-205**

**SETTLEMENT AGREEMENT BETWEEN**

**THE UNITED STATES OF AMERICA**

**AND**

**THE TOWN OF FOUNTAIN HILLS, AZ**

**UNDER THE AMERICANS WITH DISABILITIES ACT**

**DJ 204-8-197**

## Typical issues addressed during a Project Civic Access compliance review include:

- Whether physical modification of facilities or relocation of services is required to provide accessibility;
- Whether and how inaccessible activities, such as town meetings and county court proceedings, may be relocated to accessible locations upon request;
- Whether there are viable alternate means of making particular services accessible, such as the availability of absentee balloting;



Example of accessible jury box.



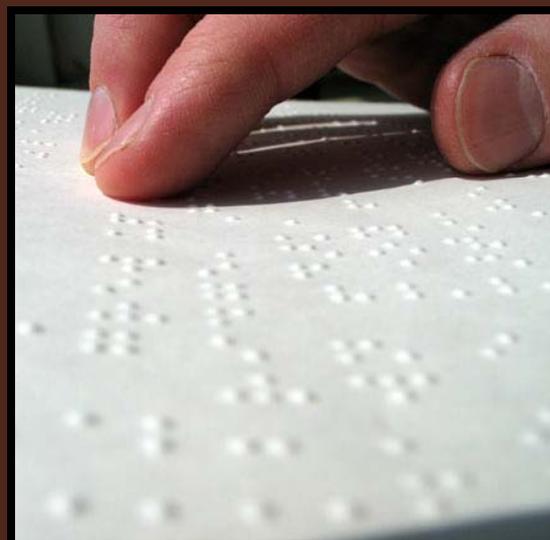
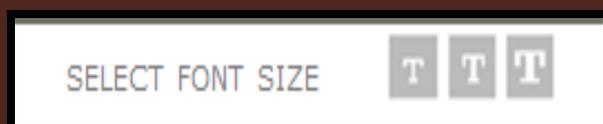
# Typical issues addressed during a Project Civic Access compliance review include:

- Whether and how to meet accessibility standards with respect to facilities and sidewalks;
- Whether assistive listening systems are provided in assembly areas (e.g., legislative chambers, courtrooms, and municipal auditoriums);
- Whether 9-1-1 emergency response services are accessible to citizens with hearing or speech disabilities;



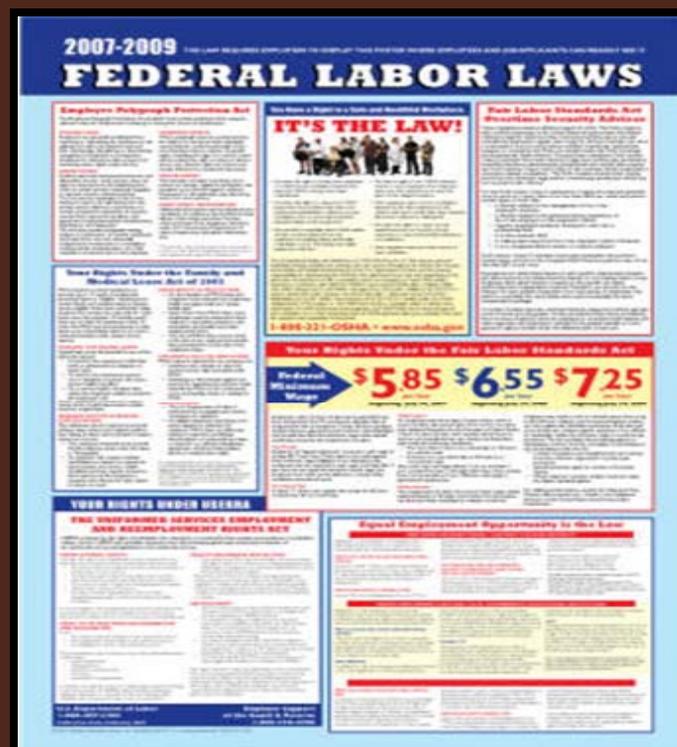
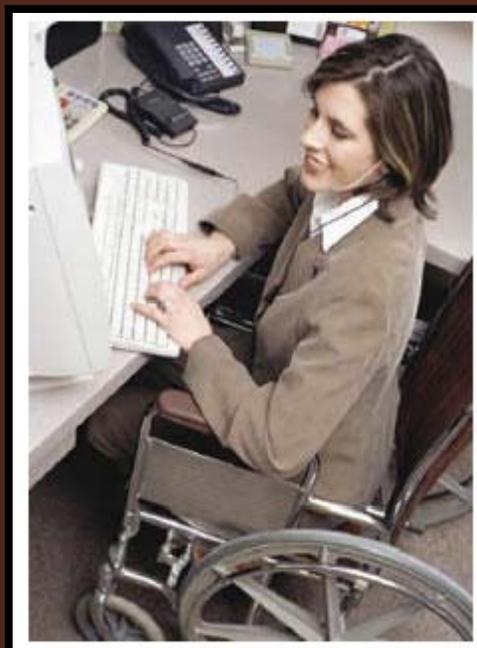
## Typical issues addressed during a Project Civic Access compliance review include:

- Whether telephone communications in other governmental functions are accessible;
- Whether government websites are usable by citizens with vision impairments;
- Whether the community provides adequate procedures and time frames for citizens requesting and securing auxiliary aids, such as sign language interpreters, when needed for effective communication;



# Typical issues addressed during a Project Civic Access compliance review include:

- Whether there is permanent and conspicuous notice to the members of the community of their ADA rights and the local government's ADA obligations; and
- Whether government offices employing more than 50 persons provide an ADA grievance procedure.





DOJ Presentation from September 30<sup>th</sup>, 2009

*"The ADA is a Civil Rights law,  
not a building code"*



Ms. Sally Conway  
Director  
ADA Technical Assistance & Mediation Programs  
Civil Rights Division  
US Department of Justice

ADA  
Background

The  
Numbers

Basic  
Principles

# Additional Background to the ADA

- In addition to the history we already discussed, Ms. Conway added some additional insight along a chronological continuum:
  - **1950s and prior:** the warehousing and institutionalizing of people with disabilities was based on the notion that this was a personal concern which did not warrant public policy.
  - **1960-70s:** the influx of disabled veterans from the Vietnam war in a post-Civil Rights Act America questioned that policy.
  - **1980s:** AIDS and HIV employment discrimination

# The Numbers

**18%**

of overall  
population has  
a disability.

**1/2**

of the population  
will have a  
disability at some  
time in their life.

**71 million**

Americans will  
be over 65 by  
2031.

People with a  
disability is  
the largest  
minority  
group in the  
United States.



**As we get older, we realize that disability is just a part of life. Anyone can join our group at any point in life. In this way the disabilities rights movement doesn't discriminate...**

**Ed Roberts**





This may be what we think of when we think of the ADA, but it is much more than what Ms. Conway referred to as the “Edifice Complex”.

# Basic Principles

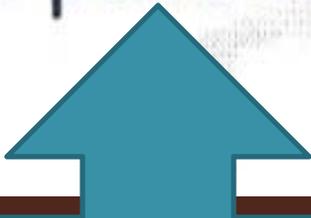
- Equal opportunity
- Integration
- No discriminatory eligibility criteria

Integration is the optimal answer

Requiring a DL as a requirement where it isn't directly related to the service being provided would be discriminatory and disproportionately impact people with a disability. Accepting a non-operating ID as well would be one solution.

# Basic Principles

- Modification of policies and practices



The argument that you have “always done it” a certain way is not an acceptable defense.

# Basic Principles

- Inclusion in planning

Form an advisory group

- Site selection

- Program accessibility

Take access into consideration when planning location as well as curriculum/activities

# Basic Principles

- **Effective communication**
  - Communications with individuals with disabilities must be “as effective” as communications with others
  - Provide appropriate auxiliary aids and services “where necessary”
- **No surcharges**

# Effective Communication

State and local governments must provide appropriate auxiliary aids and services to ensure effective communication.

- Qualified interpreters (sign language, oral, cued)
- assistive listening headsets
- television captioning
- TTYs / TDDs
- Videotext displays
- Readers
- Taped texts
- Materials in Braille
- Large print materials
- VRS/VIS

# Integration



Must give priority to methods that provide services, programs, and activities in the most integrated setting appropriate.

## *GOOD FAITH EFFORT*

Ms. Conway emphasized that demonstrating that the decisions and choices that you make are being done in a good faith effort to comply with the ADA is critical.



## ADA and Elections

# How does this impact elections?

## It comes down to **ACCESS & ASSISTANCE.**

- Access:

- To our permanent offices
- To the polls on Election Day
- To information in formats that are acceptable & usable to the voter
- To all of the same services as every other voter

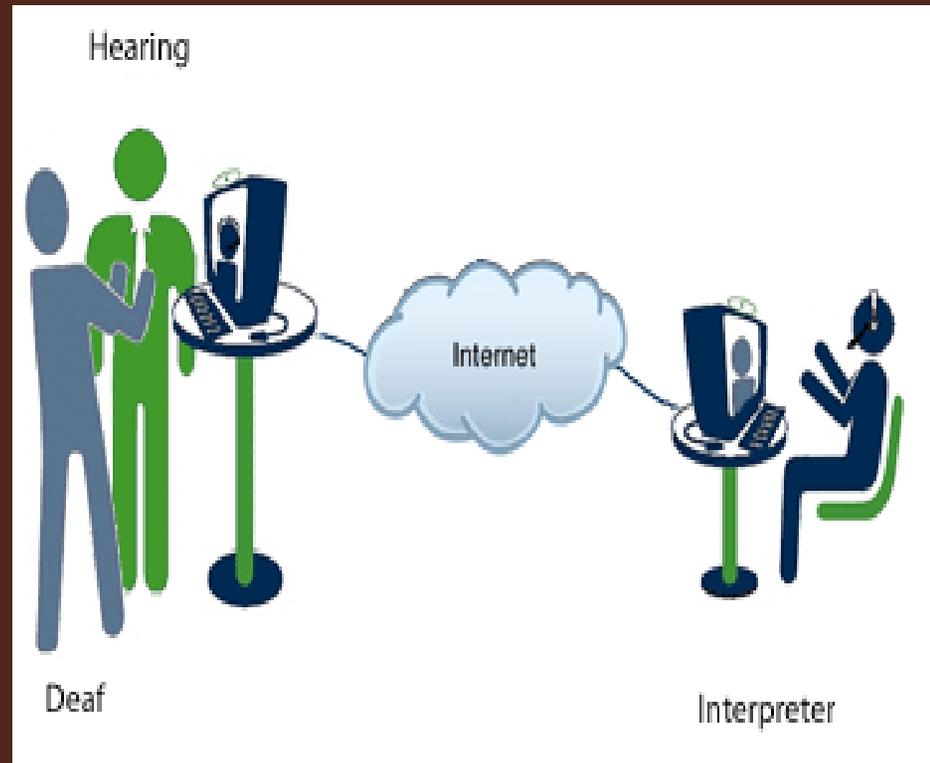
- Assistance:

- In registration
- In requesting a ballot
- In casting a ballot



# Access to Services

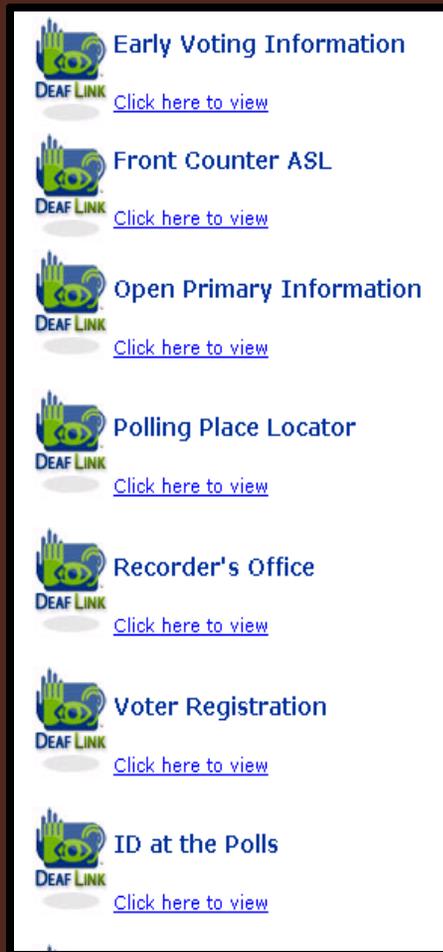
- Maricopa County was the first elections department in the nation to provide instant Sign Language translation to our voters at our front counters:



County Recorder Helen Purcell demonstrates the service at the press conference launch.

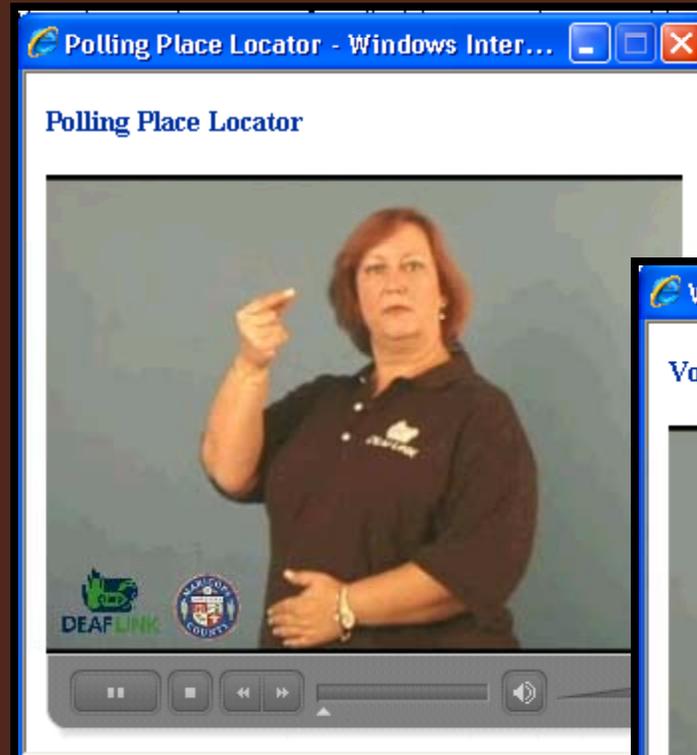
# Access to Information

- Basic voter information ASL videos available on DVD and our website:



A vertical list of links on a website, each preceded by a 'DEAF LINK' icon (a hand with a speech bubble). The links are:

- Early Voting Information  
[Click here to view](#)
- Front Counter ASL  
[Click here to view](#)
- Open Primary Information  
[Click here to view](#)
- Polling Place Locator  
[Click here to view](#)
- Recorder's Office  
[Click here to view](#)
- Voter Registration  
[Click here to view](#)
- ID at the Polls  
[Click here to view](#)



A screenshot of a video player window titled "Polling Place Locator - Windows Inter...". The video content shows a woman with short reddish hair, wearing a dark polo shirt, signing. In the bottom left corner of the video frame, there are logos for "DEAF LINK" and "SARASOTA COUNTY". A video control bar is visible at the bottom of the player, including play/pause, stop, previous, next, and volume buttons.



A screenshot of a video player window titled "Voter Registration - Windows Internet...". The video content shows the same woman from the previous video, signing. In the bottom left corner of the video frame, there are logos for "DEAF LINK" and "SARASOTA COUNTY". A video control bar is visible at the bottom of the player, including play/pause, stop, previous, next, and volume buttons.

# Access to Information

- Audio recordings are available on the website and on CD in English, Spanish and Tohono O'odham:

Información de Elección en Español

Voter Assistance Information

*En Español*



Text Only version of this web site

## INFORMATION FOR VOTERS WITH AUDIO/VISUAL NEEDS



### VOTER INFORMATION AUDIO FILES

- [Early Voting Information](#)
- [Touch Screen Audio Information](#)
- [Open Primary Information](#)
- [Polling Place Information](#)
- [Touch Screen Large Print Information](#)
- [Voter Registration Information](#)
- [Voting Instructions and ID at the Polls](#)



### PUBLICITY PAMPHLET

[Publicity Pamphlet Audio Files](#)

### SUN SOUNDS

[Sun Sounds Voter Information Project](#)

## INFORMACIÓN PARA VOTANTES CON NECESIDADES AUDIO/VISUALES



### ARCHIVOS DE AUDIO DE INFORMACIÓN PARA EL VOTANTE

- [Información sobre Registro de Votante](#)
- [Información sobre Votación Temprana](#)
- [Información de su Lugar de Votación](#)
- [Instrucciones para Votar e ID en las urnas](#)
- [Información Sobre Primaria Abierta](#)
- [Información sobre Pantalla de Toque con Audio](#)
- [Información sobre Pantalla de Toque con Letra Grande](#)



### FOLLETO DE PUBLICIDAD

[Archivos de Audio sobre Folleto de Publicidad](#)

### SUN SOUNDS

[Proyecto de Información de Votantes Sun Sounds](#)

### Tohono O'odham Informational Audio:



[2008 Election Dates](#)



[The address on my ID doesn't match.](#)



[When can I not register to vote?](#)

# Access to Information

- Large print and Braille information and ballots are also options for voters.



# Access to the Polls on Election Day

PREVENT SITUATIONS LIKE THIS



GET ADA COMPLIANT



# ADA Compliance of Polling Places

## Evaluate:

Review of the facility to identify any areas requiring attention.

## Implement:

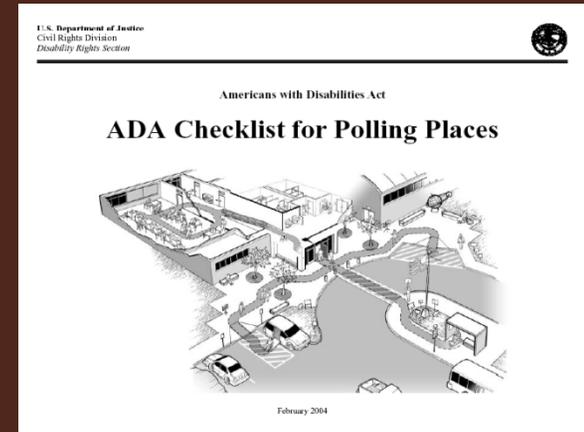
Election Day temporary accommodations and staff training.

## Review:

Analyze voter and boardworker surveys and other forms of communication to determine efficacy.

# Evaluate

- MCED does evaluations of every polling place facility used.
- The evaluation is based on the Department of Justice's *ADA Checklist for Polling Places*:
- Pictures are also taken of the facilities for posting on the website for ease in recognizing the building:

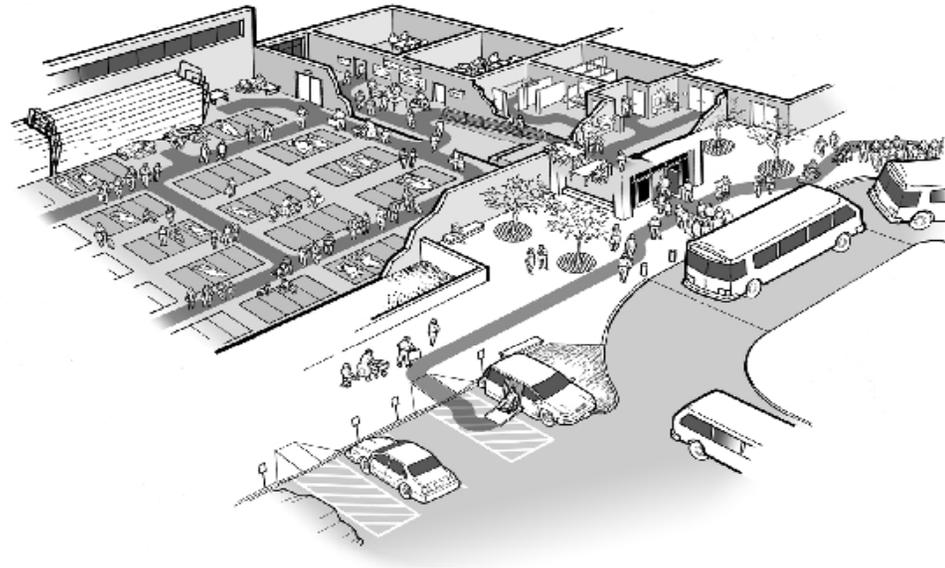


Resources: [www.ada.gov](http://www.ada.gov)

**Americans with Disabilities Act**

## **An ADA Guide for Local Governments**

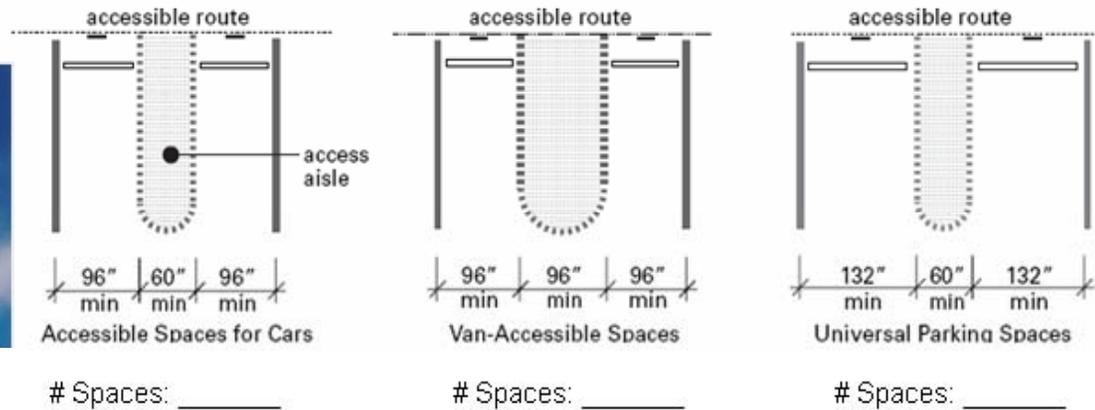
**Making Community Emergency Preparedness and Response Programs Accessible to People with Disabilities**



[Emergency Preparedness Guide -- HTML](#)

**PARKING**

1. Are designated marked parking spaces available?  YES  NO
2. Are handicap parking spaces marked with a sign visible when the space is occupied?  YES  NO  
If not, how many signs are needed? \_\_\_\_\_
3. Are parking spaces at least 8 feet wide?  YES  NO
4. Is the adjacent access aisle at least 5 feet wide?  YES  NO



5. Type of surface in parking area: Loose Gravel  Dirt  Asphalt  Black Top
6. Distance from the building. ( \_\_\_\_\_ ft) to HC Parking
  - (a) Will chairs need to be provided every 200 feet?  YES  NO
  - (b) How many? \_\_\_\_\_
7. Is there a curb cut or ramp for access to walkway from parking?  YES  NO  
If YES, what is the ratio of the ramp slope: \_\_\_\_\_ : \_\_\_\_\_

If NO, height of curb: ½"  1 ½"  2"  2 ½"  3"  3 ½"  4"  4 ½"  5"  5 ½"  6"

8. Is the curb cut surface at least 36" wide, excluding flared sides?  YES  NO
9. Is there sufficient lighting in all areas of the parking lot?  YES  NO

# Why is additional parking space necessary?



For vans with lifts.



**WALKWAYS**

1. Is the walkway paved? \_\_\_ YES \_\_\_ NO

If NO, is the walkway still handicapped accessible? \_\_\_ YES \_\_\_ NO

2. Is the walkway at least 36 inches wide? \_\_\_ YES \_\_\_ NO

3. Are the curbs along the walkway to the building cut or ramped? \_\_\_ YES \_\_\_ NO

If YES, what is the ratio of the ramp slope: \_\_\_\_ : \_\_\_\_

If NO, height of curb: ½" \_\_\_ 1 ½" \_\_\_ 2" \_\_\_ 2 ½" \_\_\_ 3" \_\_\_ 3 ½" \_\_\_ 4" \_\_\_ 4 ½" \_\_\_ 5" \_\_\_ 5 ½" \_\_\_ 6" \_\_\_

4. Are walkways free of protrusions, abrupt edges or breaks, overhanging objects? \_\_\_ YES \_\_\_ NO

5. Are walkways well lighted? \_\_\_ YES \_\_\_ NO



## RAMPS AND ELEVATORS

1. Is the building provided either with a ramp, elevator, or with an alternative means of unassisted passage?  YES  NO
2. Regarding ramps:
  - (a) Is the grade of the ramp at a ratio of 1 inch of height for every 12 inches in length?  YES  NO
  - (b) Does the ramp have a non-slip surface?  YES  NO
  - (c) Does the ramp have a handrail (necessary if ramp is greater than 6 feet)?  YES  NO  
 If YES, are the handrails between 34-36 inches above the ramp surface?  YES  NO
  - (d) If there is a door at the top of the ramp, is there sufficient clearance for a wheelchair to rest while the door is opened?  YES  NO
  - (e) Does the ramp have a level landing at the bottom of the ramp?  YES  NO
  - (f) Is there a level landing (60" X 60") provided where the ramp changes direction?  YES  NO
  - (g) If the ramp is more than 30 feet long, is a level landing at least 60 inches long provided every 30 feet of horizontal distance?  YES  NO
  - (h) If the ramp or landing has a vertical drop-off, is edge protection provided?  YES  NO



## OTHER ARCHITECTURAL FEATURES

### Entrances:

1. Is there more than 1 entrance to the building that voters would use?  YES  NO  
If YES, will additional signage be necessary & how many: Sandwich Board Signs  Arrows
2. Is the accessible entrance different than the main voter entrance?  YES  NO  
If YES, will additional signage be necessary & how many: Handicapped Access Signs  Arrows



### Doorways:

1. Is doorway opening at least 32 inches wide when the door is open 90 degrees?  YES  NO
2. Is the height of the doorway threshold ½ inch or less?  YES  NO  
If not, how high? (\_\_\_\_\_ inches)
3. Is there a doormat in place and will it minimize tripping?  YES  NO
4. Is door equipped with arch or lever-type handles, push plates or automatic openers which are usable without tight grasping, pinching, or twisting of the wrist?  YES  NO  
If NO, how many adapters are needed? \_\_\_\_\_
5. Is door hardware no higher than 48 inches from floor?  YES  NO
6. Is no more than 5 pounds force required to push or pull open the door?  YES  NO



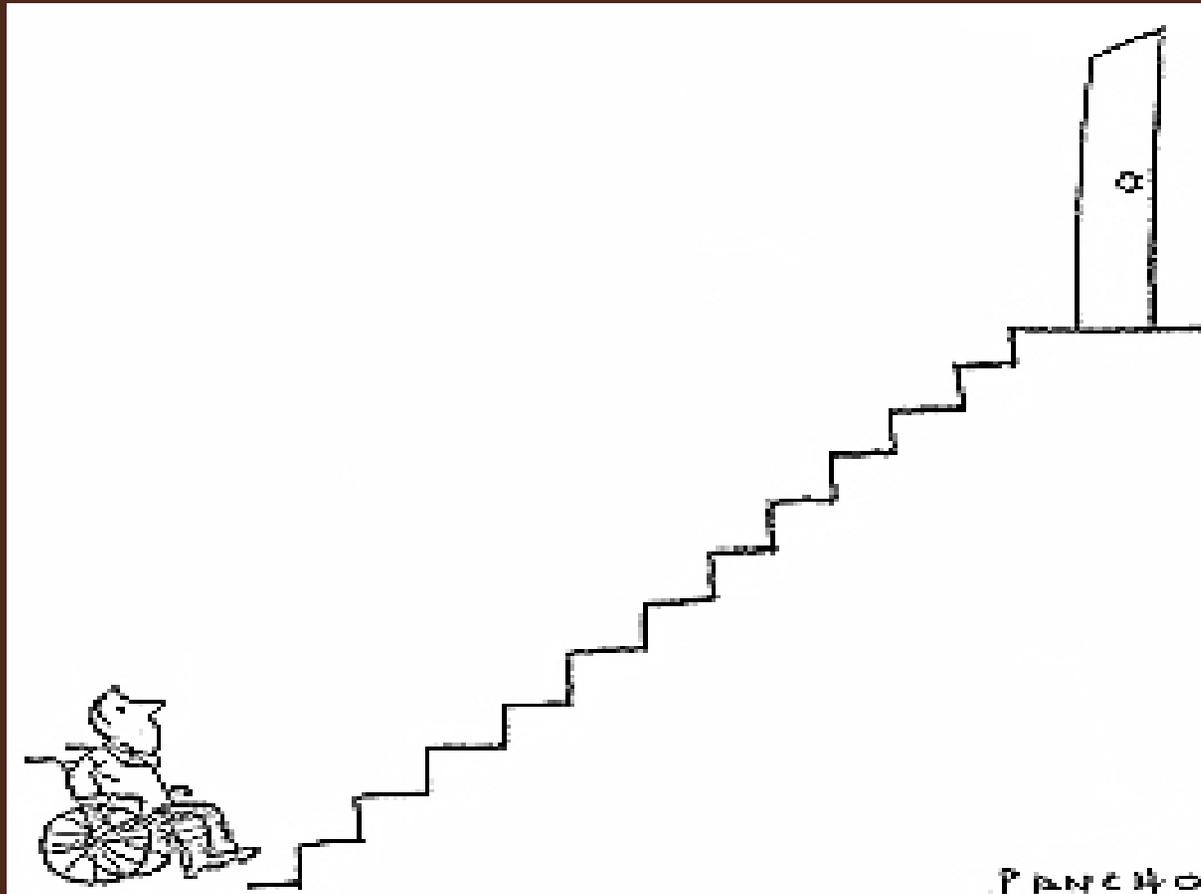
**Stairs:**

1. Do stairs have non-slip surfaces?

\_\_\_ YES \_\_\_ NO

2. Do stairs have handrails?

\_\_\_ YES \_\_\_ NO

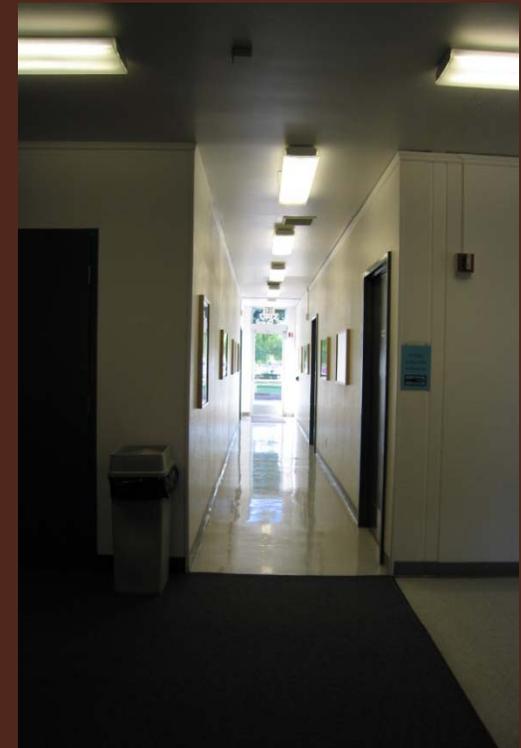


**Corridors:**

- 1. Are corridors free of obstacles or protrusions?  YES  NO
- 2. Is there sufficient lighting at all points along corridors?  YES  NO
- 3. Is there sufficient unobstructed space for the movement of voters in wheelchairs?  YES  NO



Overhead and wall-mounted objects that may be hazards along a pedestrian route.





## ROOM

1. Ideal room footage is 30'x20'. What is actual square footage? \_\_\_\_\_
2. Is seating available for elderly or disabled voters awaiting their turn to vote?     \_\_\_ YES \_\_\_ NO
3. Is there more than one (1) electrical outlet?     \_\_\_ YES \_\_\_ NO  
    If YES, how many? \_\_\_\_\_
4. Is there sufficient lighting for voting?     \_\_\_ YES \_\_\_ NO
5. Will the facility provide: Table(s) # \_\_\_\_\_ Chair(s) # \_\_\_\_\_
6. Is there a bathroom available for the boardworker's use?     \_\_\_ YES \_\_\_ NO
  - (a) Is a key necessary?     \_\_\_ YES \_\_\_ NO
  - (b) Where do they obtain the key? \_\_\_\_\_
7. Is there a phone in the room?     \_\_\_ YES \_\_\_ NO  
    Where is the phone located? \_\_\_\_\_
  - (a) Phone number: ( \_\_\_\_\_ ) \_\_\_\_\_ -- \_\_\_\_\_
  - (b) Outbound Calls?     \_\_\_ YES \_\_\_ NO
  - (c) Inbound Calls?     \_\_\_ YES \_\_\_ NO

# Assistance

- Once the voter is in the polling place we want to ensure that they get good service.
- Our boardworkers are trained on how to use the assistive technology and devices used in the polls as well as how to best offer their services.
- This is included in all curriculum:
  - Standard class
  - Bilingual class
  - Premium class
  - Trouble Shooter training



# Assistance in casting a ballot

- Voters can bring in someone to assist them of their choice, have 2 boardworkers assist them, or they can cast a ballot independently on the Edge.



# Assistance in casting a ballot

 **CURBSIDE VOTER  
SIGNATURE AFFIDAVIT**  
DECLARACIÓN JURADA DE VOTANTE  
AL LADO DE LA ACERA 

1) \_\_\_\_\_ 2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_  
PRECINCT# / RECINTO # REGISTERED PARTY / PARTIDO REGISTRADO BALLOT PARTY / PARTIDO DE LA BOLETA BALLOT COLOR STRIPE /  
COLOR DE LA LINEA EN LA BOLETA

\_\_\_\_\_  
FIRST NAME / PRIMER NOMBRE MIDDLE NAME / SEGUNDA NOMBRE LAST NAME / APELLIDO NOMBRE

\_\_\_\_\_  
CURRENT RESIDENCE ADDRESS / RESIDENCIA ACTUAL

\_\_\_\_\_  
CITY / CIUDAD ZIP / ZONA

I DO HEREBY SWEAR OR AFFIRM THAT I AM THE PERSON LISTED ABOVE AND THAT I RESIDE AT THE ADDRESS LISTED ABOVE. / POR LA PRESENTE JURO O AFIRMO QUE SOY LA PERSONA QUE SE NOMBRA ARRIBA Y QUE RESIDO EN LA DIRECCION ESCRITA ARRIBA

X \_\_\_\_\_  
VOTER'S SIGNATURE / FIRMA DEL VOTANTE

SUBSCRIBED AND SWORN TO BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_  
SUSCRITO Y JURADO DELANTE DE MI EL (FECHA).

X \_\_\_\_\_  
ELECTION OFFICIAL'S SIGNATURE / FIRMA DEL OFICIAL DE LA ELECCION

X \_\_\_\_\_  
ELECTION OFFICIAL'S SIGNATURE / FIRMA DEL OFICIAL DE LA ELECCION

- Voters still have the option of voting using the curbside voter affidavit.
- The affidavit is found in the Signature Roster and should be placed back in the Roster when it is completed.
- Voters can also use the red signature guide when signing in:



# Special Election Boards (SEB)

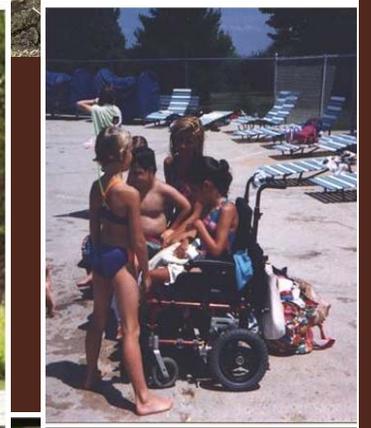
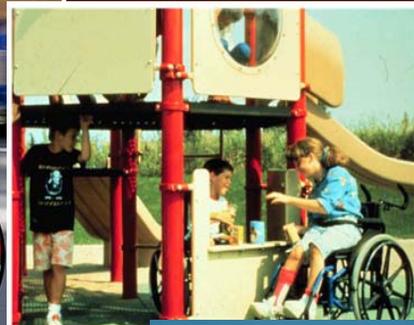
- Voters who are in a care facility, nursing home, or are homebound and do not have anyone to assist them in voting an early ballot can request an SEB team to help them.
- MCED coordinates with facility directors and administrators to schedule visits and ensure that all voters get the assistance that they need in an impartial manner.



People with disabilities live active,  
fulfilling lifestyles.

It is our responsibility  
to remove barriers  
which prevent them  
from them doing so.





# Accessibility FOR ALL

