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**Gale A. Brewer, Borough President**

## **2021 Primary Election Poll Site Accessibility Survey**

*Conducted jointly with Center for Independence of the Disabled, New York*

As fundamental as the right to vote has been to American democracy, the disabled community is among those who have faced disenfranchisement because of systemic or structural barriers. Only in 1990 was the Americans with Disabilities Act (ADA) passed, which codified accessibility standards in public spaces, including polling places so that Americans with disabilities could vote privately and independently like everyone else. Leading disability rights advocate Center for the Independence of the Disabled, NY (CIDNY) and Manhattan Borough President Gale A. Brewer have been committed to ensuring the inalienable right of accessible voting for years.

Since 2003, CIDNY has been surveying New York City polling places and has found that almost three quarters of the more than 1,300 polling places surveyed had various barriers and were non-compliant with the ADA. CIDNY surveys became evidence in a lawsuit against the NYC Board of Elections (BOE) for failing to follow federal civil rights law. The plaintiffs won the suit on May 14, 2014, and the court required the BOE to correct the barriers. Yet CIDNY and the Borough President's observations during the June 2021 primary found, once again, barriers that rendered polling places inaccessible. This is in addition to a similar survey conducted following the April 2016 primary election that also found barriers to voting for people with disabilities.

### **2016 Survey**

The April 2016 presidential primary survey was administered online shortly after the election and was open to everyone who received the survey link, shared widely via the Borough President and CIDNY's mailing lists.

While that survey did have positive outcomes worth noting, including that 58% of respondents professed to having a "positive" voting experience, there were many troubling responses. Sixteen percent of respondents' polling places had missing or confusing signs, 15% found their path to the voting booth either inaccessible or

confusing, and 9% had difficulty finding an accessible poll site entrance. Furthermore, 19% of respondents claimed that the ballot marking device (BMD) was not in a “clear and noticeable” location, and another 12% claimed the pathway to the BMD was not clear within their poll site. Perhaps most concerning, 83% of respondents found that poll workers did not mention that voters could use a BMD, and 24% of BMD users claimed they were unable to vote privately and independently while using the device. In many ways, the results from the 2016 survey paralleled the results from this year’s primary day survey.

## **2021 Survey Findings**

The Borough President’s interns surveyed 45 polling places in Manhattan, all 21 early voting sites and 24 election day sites. The sites were spread evenly across Manhattan (two sites in each of the New York County election districts on election day) and covered a broad range of the type of locations used as election sites, including major educational and cultural institutions, public schools, and large housing developments. Out of the 45 election sites, surveyors found:

- 51.1% of sites to be inaccessible (deemed containing at least one obstacle that could potentially prevent someone with a disability from voting):
  - 17 sites had one obstacle;
  - four sites had two obstacles;
  - one site had three obstacles;
  - one site had four obstacles.
- There was an average of 1.39 obstacles per site.
- The most common obstacle (37.8% of sites) was a raised “lip” of more than 1/2” at the entrance door that would prevent a wheelchair user from entering the site.
- The second most common obstacle (15.6% of sites) was a path to the site entrance that had level changes of more than a 1/2” that would prevent someone with a wheelchair or walker from entering.
- The third most common obstacle (11.1% of sites) was missing signage using the international symbol of access to direct disabled voters to an accessible exterior entrance.
- Early voting sites were 52.4% compliant with ADA guidelines compared to 45.8% of election day sites, largely due to the use of major institutions for early voting that are already fully accessible (i.e., the Metropolitan Museum of Art, Lincoln Center, Borough of Manhattan Community College, the Fort Washington Armory).

## Recommendations

It is unacceptable that repeated surveys from CIDNY and the Borough President have found barriers to voting. To ensure that voters have equal access to voting privately and independently as required by the nation's civil rights laws, the New York City Board of Elections must:

**1. Ensure there are clear and level paths throughout the polling**

**location:** Too many poll sites had sidewalk level changes of more than a 1/2", making just getting in the door difficult or impossible for some disabled voters. Similarly, having ramps and elevators is not sufficient if there is still a raised lip at the doorway entrance, which obstructs wheelchair uses from entering much in the same way a step would.

**2. Ensure adequate signage at all polling places:** They should display directional signs that are readable from the street and along the interior pathways to indicate the correct path to vote, a basic form of accessibility missing at 11% of surveyed sites.

**3. Pilot walk-throughs of polling places with disability advocates:**

Many of the issues this survey identified could have been rectified quickly and at little cost if the BOE had conducted walk-throughs in advance of the election with people sensitive to these issues. Neglecting to do this forces disabled voters to confront these barriers and potentially be prevented from voting.

The Board of Elections cannot allow another election cycle to pass without ensuring that every polling place is accessible.

*Special thanks to Monica Bartley and Angela Bruen from CIDNY for their training, advice, and guidance. Thanks also to Paul Goebel, Shulamit Warren Puder, Jack Wild, and the summer 2021 interns in the Manhattan Borough President's office for their contributions.*

## Appendix: Survey Questions and Responses

*\*Denotes that a question wasn't answered at all 45 sites because an answer wasn't applicable based on previous information. For example, information about a separate accessible entrance wasn't applicable if the main entrance was also the accessible entrance.*

### Section I.1: Exterior Main Entrance

Q1: The path leading from the sidewalk to the main entrance is free of objects that protrude from the side more than 4" into the route and have a bottom edge more than 27" but less than 80" above the floor.

|     |       |
|-----|-------|
| Yes | 93.3% |
| No  | 6.7%  |

Q2: Path leading to the entrance is clear of abrupt level changes over 1/2".

|     |       |
|-----|-------|
| Yes | 82.2% |
| No  | 17.8% |

Q3: Path leading to the entrance is free of obstacles or objects that can block access.

|     |       |
|-----|-------|
| Yes | 91.1% |
| No  | 8.9%  |

Q4: Does the entrance have the international symbol of access sign?

|     |       |
|-----|-------|
| Yes | 88.9% |
| No  | 11.1% |

\*Q5: If the main entrance is not accessible, are there adequate signs directing voters to the alternate voting entrance?

|     |       |
|-----|-------|
| Yes | 85.7% |
| No  | 14.3% |

### Section I.2: Exterior Path to Separate Accessible Entrance (Answer only if there is a separate accessible entrance)

\*Q1: The path leading to the entrance is free of obstacles or objects that can block access.

|     |       |
|-----|-------|
| Yes | 91.1% |
| No  | 8.9%  |

\*Q2: The path is clear of abrupt level changes over 1/2".

|     |       |
|-----|-------|
| Yes | 83.3% |
| No  | 16.7% |

\*Q3: The path leading to the entrance is free of objects that protrude from the side more than 4" into the route and have a bottom edge more than 27" but less than 80" above the floor.

|     |       |
|-----|-------|
| Yes | 75.0% |
| No  | 25.0% |

\*Q4: The separate accessible entrance has the international symbol of access sign.

|     |       |
|-----|-------|
| Yes | 87.5% |
| No  | 12.5% |

\*Q5: The accessible entrance is: (check one)

|                              |       |
|------------------------------|-------|
| Ramped                       | 43.8% |
| Level to the Ground          | 50.0% |
| Neither                      | 0.0%  |
| Ramped & Level to the Ground | 6.2%  |

### Section I.3: Exterior Ramped Entrance

\*Q1: The ramp has continuous handrails on both sides if rise is higher than 6".

|     |       |
|-----|-------|
| Yes | 90.5% |
| No  | 9.5%  |

\*Q2: The ramp has edge protections.

|     |       |
|-----|-------|
| Yes | 80.9% |
| No  | 19.1% |

\*Q3: The ramp is at least 36" wide.

|     |       |
|-----|-------|
| Yes | 80.9% |
| No  | 19.1% |

\*Q4: What is the height/measurement of the slope (in inches)?

|               |       |
|---------------|-------|
| Compliant     | 78.9% |
| Non-compliant | 21.1% |

\*Q5: The ramp has level landings at the top and bottom that are at least 5 feet long.

|     |       |
|-----|-------|
| Yes | 76.2% |
| No  | 23.8% |

#### Section I.4: Ground-level entrance

Q1: The entrance door has a lip (raised threshold).

|     |       |
|-----|-------|
| Yes | 62.2% |
| No  | 37.8% |

\*Q2: The lip is no higher than 1/2". Or, it is beveled on both sides and no higher than 3/4".

|     |       |
|-----|-------|
| Yes | 84.4% |
| No  | 15.6% |

\*Q3: If the lip is NOT beveled and is more than 1/2", what is the height of the lip?

Several entries, data available upon request.

\*Q4: If the entrance is not level to the ground and does not have a ramp, how is it made accessible?

Several entries, data available upon request.

#### Section I.5: Ground level entrance

Q1: The door opening is 32" or wider at the narrowest point.

|     |       |
|-----|-------|
| Yes | 91.1% |
| No  | 8.9%  |

Q2: Is the entrance door a double leaf door?

|     |       |
|-----|-------|
| Yes | 51.1% |
| No  | 48.9% |

\*Q3: If YES, at least one leaf has an opening at least 32" wide at the narrowest point. What is the measurement?

|               |       |
|---------------|-------|
| Compliant     | 88.2% |
| Non-compliant | 11.8% |

\*Q4: If the entrance has two doors that exist in a series: There is at least 48" plus the width of any door swinging into the space.

|     |       |
|-----|-------|
| Yes | 97.0% |
| No  | 3.0%  |

\*Q5: If the entrance has two doors that exist in a series: They swing away from the space between the doors.

|     |       |
|-----|-------|
| Yes | 67.7% |
| No  | 32.3% |

Q6: Entrance door(s) were propped or secured open.

|     |       |
|-----|-------|
| Yes | 84.4% |
| No  | 15.6% |

Q7: Do doors have accessible hardware?

|                                 |       |
|---------------------------------|-------|
| Yes                             | 40.0% |
| No                              | 4.4%  |
| N/A (if doors are propped open) | 55.6% |

Q8: There is at least 18” of clearance to open the door so that a voter is not opening the door into themselves.

|     |       |
|-----|-------|
| Yes | 97.8% |
| No  | 2.2%  |

Q9: A door monitor is located near any locked or difficult-to-open doors at the accessible entrance.

|     |       |
|-----|-------|
| Yes | 91.1% |
| No  | 0.0%  |
| N/A | 8.9%  |

\*Q10: If there is not a door monitor at the accessible entrance, is there a way to let someone know assistance is needed in order to enter the building? What is it?

|     |       |
|-----|-------|
| Yes | 91.1% |
| No  | 8.9%  |

## Section II.1: Interior Path to Voting Area -- Blind/Low Vision Access

If two entrances are used (a main entrance and an alternate accessible entrance) answer questions 1 and 2 about the path from each entrance to the voting area. If the main entrance is the entrance used by all voters, answer the questions only for the main entrance.

Q1: The path leading from the entrance to the voting area is free of objects that protrude from the side more than 4” into the route and have a bottom edge more than 27” above the floor but less than 80” above the floor?

Main Entrance

|     |       |
|-----|-------|
| Yes | 92.9% |
| No  | 7.1%  |

Alternate Entrance

|     |       |
|-----|-------|
| Yes | 75.0% |
| No  | 25.0% |

Q2: The undersides of stairs are enclosed or protected with a cane-detectable barrier so that people who are blind or have low vision will not hit their heads on the underside?

Main Entrance

|     |       |
|-----|-------|
| Yes | 24.4% |
| No  | 0.0%  |
| N/A | 75.6% |

| Alternate Entrance |       |
|--------------------|-------|
| Yes                | 6.7%  |
| No                 | 0.0%  |
| N/A                | 93.3% |

## Section II.2: Interior Path to Voting Area -- General Access

Q1: Is clear of steps or stairways (unless ramp or elevator is available).

|     |       |
|-----|-------|
| Yes | 97.8% |
| No  | 2.2%  |

Q2: Is clear of abrupt level changes over 1/2" (any level changes between 1/4" and 1/2" should be beveled).

|     |       |
|-----|-------|
| Yes | 97.8% |
| No  | 2.2%  |

Q3: Is clear of debris or other objects that can impede access.

|     |       |
|-----|-------|
| Yes | 95.6% |
| No  | 4.4%  |

Q4: Is at least 36" wide (the accessible route may narrow to 32" wide for up to 2' in length).

|     |       |
|-----|-------|
| Yes | 95.6% |
| No  | 4.4%  |

Q5: Has signs that accurately direct voters from the accessible entrance to the voting area without encountering barriers.

|     |       |
|-----|-------|
| Yes | 91.1% |
| No  | 8.9%  |

Q6: The interior accessible route is obvious and is the only possible route to the voting machines from the accessible entrance.

|     |      |
|-----|------|
| Yes | 100% |
| No  | 0.0% |

Q7: Are all rugs and mats in the path of travel securely fixed to the ground?

|     |       |
|-----|-------|
| Yes | 95.6% |
| No  | 4.4%  |

Q8: The interior path is free of broken or cracked tiles or flooring material.

|     |      |
|-----|------|
| Yes | 100% |
| No  | 0.0% |

Interior Doors (IF Applicable):

\*Q9: The door opening is 32” or wider at the narrowest point. What is the measurement?

|     |       |
|-----|-------|
| Yes | 53.3% |
| No  | 2.2%  |
| N/A | 44.4% |

\*Q10: The door is a double leaf door.

|     |       |
|-----|-------|
| Yes | 37.8% |
| No  | 17.8% |
| N/A | 44.4% |

\*Q11: If the door is a double leaf door, at least one leaf has an opening of not less than 32” at the narrowest point. If NO, what is the measurement?

|     |       |
|-----|-------|
| Yes | 42.2% |
| No  | 4.4%  |
| N/A | 53.3% |

\*Q12: There are two doors that exist in a series.

|     |       |
|-----|-------|
| Yes | 13.3% |
| No  | 42.2% |
| N/A | 44.4% |

\*Q12a: (If YES to Q12) There is at least 48” plus the width of any door swinging into the space.

|     |       |
|-----|-------|
| Yes | 13.3% |
| No  | 0.0%  |
| N/A | 86.7% |

\*Q12b: (If YES to Q12): They swing away from the space between the doors.

|     |       |
|-----|-------|
| Yes | 11.1% |
| No  | 2.2%  |
| N/A | 86.7% |

\*Q13: Door(s) were propped or secured open.

|     |       |
|-----|-------|
| Yes | 13.3% |
| No  | 0.0%  |
| N/A | 86.7% |

\*Q14: (If NO to Q13): The door(s) open easily without using force.

|     |       |
|-----|-------|
| Yes | 24.4% |
| No  | 0.0%  |
| N/A | 75.6% |

### Section II.3: Voting Area

Q1: There is space for two or more wheelchairs in areas of assembly (about 5'x5').

|     |       |
|-----|-------|
| Yes | 97.8% |
| No  | 2.2%  |

Q2: There is 5'x5' clearance or turning space surrounding the Ballot Marking Device or ADA privacy booth for a voter using a wheelchair to access the machine. If NO, what is the measurement?

|     |       |
|-----|-------|
| Yes | 91.1% |
| No  | 8.9%  |

Q3: Placement of tables and other furniture allows access to information tables, check-in tables, or voting machines.

|     |       |
|-----|-------|
| Yes | 93.3% |
| No  | 6.7%  |

Q4: Is there an ADA privacy booth for someone using a wheelchair who wants to mark a paper ballot by hand?

|     |      |
|-----|------|
| Yes | 100% |
| No  | 0.0% |

### Section III: Access to the Ballot Marking Device

Q1: The BMD is turned on.

|     |       |
|-----|-------|
| Yes | 97.8% |
| No  | 2.2%  |

Q2: The BMD is working.

|     |       |
|-----|-------|
| Yes | 97.8% |
| No  | 2.2%  |

Q3: The BMD is positioned so the voter has privacy (the screen is not in view of anyone passing by).

|     |       |
|-----|-------|
| Yes | 95.6% |
| No  | 4.4%  |

Q4: There is a poll worker assigned to the BMD.

|     |       |
|-----|-------|
| Yes | 95.6% |
| No  | 4.4%  |

Q5: There are no barriers impeding access to the BMD. Describe any barrier(s) below.

|     |       |
|-----|-------|
| Yes | 95.6% |
| No  | 4.4%  |

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